

Joint Standing Committee on Natural Resources

LD 2

An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits

PUBLIC 38

Sponsor(s)
LIBBY

Committee Report
OTP-AM

Amendments Adopted
S-30

LD 2 proposed to allow municipalities to enact standards stricter than state standards regulating sewer or septic sludge as long as they comply with state law regarding the disposal of solid waste created within the municipality.

Committee Amendment "A" (S-30) proposed to replace the bill and change the title. The amendment proposed to expand municipal authority to allow municipalities to enforce the terms and conditions of sludge land application or storage site permits issued by the Department of Environmental Protection, and it proposed to require that a municipality notify the department prior to enforcing a septage or sludge permit.

The amendment also proposed to require the department to consult with the municipal officers prior to approving an application for a sludge land application or storage site. It proposed to require that if the department does not impose conditions on a permit that have been suggested in writing by the municipal officers, the department must provide a written explanation.

The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 38 expands municipal authority to allow municipalities to enforce the terms and conditions of sludge land application or storage site permits issued by the Department of Environmental Protection, and requires that a municipality notify the department prior to enforcing a septage or sludge permit.

The law also requires the department to consult with the municipal officers prior to approving an application for a sludge land application or storage site. If the department does not impose conditions on a permit that have been suggested in writing by the municipal officers, the department must provide a written explanation.

LD 80

An Act to Protect Internal Waters of the State

CARRIED OVER

Sponsor(s)
PAUL

Committee Report

Amendments Adopted

LD 80 proposes to add the criteria of environmental concerns, wildlife habitat, boat speed and traditional uses to the criteria that must be considered by the Commissioner of Inland Fisheries and Wildlife in developing rules governing the horsepower of motorboats on inland waters. This bill has been carried over to the Second Regular Session of the 118th Legislature.

LD 194**An Act to Fully Fund the Surface Water Ambient Toxics
Monitoring Program****ONTP**Sponsor(s)
ETNIERCommittee Report
ONTPAmendments Adopted

LD 194 proposed to provide funding from the General Fund for the continuation of the surface water ambient toxics monitoring program through the 1998-99 biennium at \$500,000 per year. The program is funded in the budget bill (Public Law 1997, chapter 24) through a General Fund appropriation to the Bureau of Land and Water Quality.

LD 198**An Act to Amend the Permitting Laws for Septic Waste Disposal
Sites****PUBLIC 40**Sponsor(s)
CLUKEYCommittee Report
OTP-AMAmendments Adopted
H-67

LD 198 proposed to provide that a municipality, including a plantation, that has provided for disposal of all materials from septic tanks and cesspools within the municipality may deny approval for a site for the disposal of septage if the municipality finds that the site constitutes a health or safety hazard or would have an adverse effect on property values.

Committee Amendment "A" (H-67) proposed to replace the bill. The amendment proposed to revise the laws relating to approval of septage disposal sites in the following ways. It proposed to maintain the requirement that approval of a site be obtained from the municipality in which the site is located as well as from the Department of Environmental Protection, but it proposed to permit the municipality to decide whether approval must be obtained first from the municipality or the department. The amendment also proposed to specify that municipal approval is not required if a site is located in a Resource Protection District under the jurisdiction of the Maine Land Use Regulation Commission.

The amendment also proposed to clarify that if a municipality lacks applicable ordinances and local zoning and land use controls, the municipality must base its approval of the site on compliance with the siting and design standards in the department's rules relating to septage management. Finally, the amendment proposed to clarify the definition of municipality for purposes of the laws governing municipal septage sites.

Enacted law summary

Public Law 1997, chapter 40 maintains the requirement in law that approval of a septage disposal site be obtained from the municipality in which the site is located as well as from the Department of Environmental Protection, but it permits the municipality to decide whether approval must be obtained first from the municipality or the department. The law specifies that municipal approval is not required if a site is located in a Resource Protection District under the jurisdiction of the Maine Land Use Regulation Commission.

The law clarifies that if a municipality lacks applicable ordinances and local zoning and land use controls, the municipality must base its approval of the site on compliance with the siting and design standards in the

department's rules relating to septage management. The law also clarifies the definition of municipality for purposes of the laws governing municipal septage sites.

LD 218

**An Act to Amend the Site Law Concerning State and Local Review
of Transmission Lines**

PUBLIC 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ ONTP MIN	S-31 H-106 ROWE

LD 218 proposed to return the threshold to 100 kilovolts. Effective July 1, 1997, the threshold for the development of a transmission line requiring approval by the Public Utilities Commission and subject to compliance with the site location of development laws is raised from 100 to 120 kilovolts.

Committee Amendment "A" (S-31), the majority report of the committee, proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

House Amendment "B" to Committee Amendment "A" (H-106) proposed to strip the emergency preamble and emergency clause from the committee amendment.

Enacted law summary

Public Law 1997, chapter 72 returns the threshold for the development of a transmission line requiring approval by the Public Utilities Commission and subject to compliance with the site location of development laws to 100 kilovolts.

LD 226

**Resolve, Requiring the Department of Public Safety, Chief of the
State Police to Amend the Commercial Vehicle Inspection
Standards to Help Control Diesel Truck Emissions**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE	ONTP	

LD 226 proposed to require the Chief of the State Police to amend the rules for the inspection of commercial vehicles to require that injectors on diesel systems be inspected.

See also LD 1651, which was amended to require the Commissioner of Environmental Protection, in developing a proposal for a motor vehicle inspection and maintenance program, to consider both roadside testing and annual testing at the time of inspection of heavy duty diesel-powered vehicles.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER NUTTING	OTP-AM	H-111

LD 258 proposed to authorize the Department of Environmental Protection to establish a program providing for compensation of unavoidable freshwater or coastal wetland losses due to a proposed activity. The department would be able to require an applicant to compensate for wetland losses through a specific project, purchase of mitigation bank credits or payment of a compensation fee. The bill also proposed to authorize the department or an organization authorized by the department to administer a dedicated account to fulfill the purposes of freshwater wetland restoration, enhancement, preservation and creation.

Committee Amendment "A" (H-111) proposed to clarify the wetlands compensation program that is authorized by the bill. The amendment proposed to prohibit the compensation of coastal wetland losses by the restoration, enhancement, creation or preservation of freshwater wetland functions or values. The amendment proposed to specify that a compensation project must be approved by the Department of Environmental Protection, and that approval must be based on the wetland management priorities identified for the watershed in which the project is located. The department would be prohibited from approving a project until the applicant has complied with all other applicable provisions of the natural resources protection laws.

The amendment also proposed to require that a compensation project be located in the same watershed as the wetlands affected by the activity unless the department determines, based on regional hydrological or ecological priorities, that there is a scientific justification to locate the project outside of the watershed.

The amendment also proposed to clarify that a mitigation bank must be consistent with all applicable federal rules and regulations.

The amendment proposed to require the department to develop a compensation fee program in consultation with the State Planning Office and other state and federal resource agencies.

The amendment also proposed to require the department to submit an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the wetlands compensation program, and to submit to that committee on January 1, 2001 an evaluation of the effectiveness and efficiency of the compensation program.

The amendment proposed to repeal the statutory authorization for the wetlands compensation program October 15, 2001.

The amendment proposed to prohibit the department from approving a compensation project funded in whole or in part from compensation fees until the compensation fee program has been agreed to by federal resource agencies.

Finally, the amendment proposed to make a technical change to the allocation section.

Enacted law summary

Public Law 1997, chapter 101 authorizes the Department of Environmental Protection to establish a program providing for compensation of unavoidable freshwater or coastal wetland losses due to a proposed activity. The department may require an applicant to compensate for wetland losses through a specific project, purchase of mitigation bank credits or payment of a compensation fee. The law requires that a compensation project be located in the same watershed as the wetlands affected by the activity unless the department determines, based on regional hydrological or ecological priorities, that there is a scientific justification to locate the project outside of the watershed. Any compensation project must be approved by the department, and that approval must be based on the wetland management priorities identified for the watershed in which the project is located. The department is prohibited from approving a project until the applicant has complied with all other applicable provisions of the natural resources protection laws.

The law requires the department to develop a compensation fee program in consultation with the State Planning Office and other state and federal resource agencies. Any compensation fee must be paid into a wetlands compensation fund administered by the department or an organization authorized by the department and dedicated to the purposes of freshwater wetland restoration, enhancement, preservation and creation.

The law also requires the department to submit an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the wetlands compensation program, and to submit to that committee on January 1, 2001 an evaluation of the effectiveness and efficiency of the compensation program.

The statutory authorization for the wetlands compensation program is repealed October 15, 2001.

LD 284

An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature

PUBLIC 179

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH NUTTING	OTP-AM	H-225

LD 284 proposed to provide for the continuation of dioxin monitoring in the State's waters through the year 2002.

Committee Amendment "A" (H-225) proposed to change the dates on which the Commissioner of Environmental Protection is required to report on the dioxin monitoring program and the surface water ambient toxics monitoring program to require that both reports be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 31st of each year. The amendment also proposed to require that the report on the results of the dioxin monitoring program be included as part of the report on the surface water ambient toxics monitoring program.

The amendment proposed to impose a cap on the total fees that may be assessed by the commissioner on facilities for the costs of sample collection and analysis under the dioxin monitoring program at \$250,000 in any fiscal year. The amendment also proposed to change the title of the bill.

Enacted law summary

Public Law 1997, chapter 179 provides for the continuation of dioxin monitoring in the State's waters through the year 2002. The law changes the dates on which the Commissioner of Environmental Protection is required to report on the dioxin monitoring program and the surface water ambient toxics monitoring program to require that both reports be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 31st of each year. The law requires that the report on the results of the dioxin monitoring program be included as part of the report on the surface water ambient toxics monitoring program.

The law also imposes a cap on the total fees that may be assessed by the commissioner on facilities for the costs of sample collection and analysis under the dioxin monitoring program at \$250,000 in any fiscal year.

LD 364 **An Act to Encourage the Use of Motor Vehicles That Use
Alternative Sources of Fuel for the Purpose of Reducing Air
Pollution** **PUBLIC 500**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	H-680
BENNETT		S-337 MURRAY
		S-414 MICHAUD

LD 364 proposed to authorize the Department of Economic and Community Development to select five different joint venture proposals for the purpose of conducting demonstration programs to develop infrastructure to support the use of alternative fuel vehicles.

The bill proposed to establish a program administered by the Finance Authority of Maine to guarantee loans made to operators of vehicle fleets and to businesses for the acquisition of capital equipment necessary to establish alternative fuel vehicle support and maintenance facilities.

The bill proposed to prohibit an insurer from assessing a surcharge on a motor vehicle insurance policy for an alternative fuel vehicle until actuarial data to support the surcharge is developed.

The bill proposed to exempt alternative fuel vehicles from sales and use taxes and personal property taxes.

The bill proposed to direct the Secretary of State to establish procedures for the registration of an alternative fuel vehicle and to issue a special registration plate.

The bill proposed to exempt alternative fuel vehicles from parking fees and registration fees.

The bill proposed to direct the Public Utilities Commission to establish alternative fuel vehicle programs that will entitle electric or natural gas utilities to recover costs if they provide alternative fuel vehicle programs to their customers.

The bill proposed to allow a taxpayer a credit against income tax under certain circumstances relating to alternative fuel vehicles.

The bill proposed to direct the Department of Environmental Protection to study procedures and to implement a program to measure emissions reductions produced by the voluntary operation of vehicles powered by nongasoline fuels and to provide methods by which the emissions reductions would reflect in credits.

The bill also proposed to direct the Department of Economic and Community Development to create a comprehensive alternative fuel vehicle plan.

Committee Amendment "A" (H-680) proposed to replace the bill. The amendment proposed to create the revolving Clean Fuel Vehicle Fund under the jurisdiction of the Finance Authority of Maine to make loans to finance clean fuel vehicle projects, including the acquisition or lease of clean fuel vehicles and the acquisition of capital equipment necessary to establish clean fuel vehicle support and maintenance facilities. The amendment also proposed to authorize the authority to insure mortgage loans for clean fuel vehicle projects.

The amendment proposed to permit an insurer to offer credits or refunds on insurance policy premiums in order to encourage the use of clean fuel vehicles if the credits or refunds are not funded through increases in insurance premiums on other vehicles.

The amendment proposed to exempt a portion of the sale or lease price of clean fuel vehicles from excise taxes and sales and use taxes. The exempt portion would be that part of the price that exceeds the price of an otherwise identical vehicle powered by gasoline. The exemptions would not apply to vehicles purchased after December 31, 2005.

The amendment also proposed to allow an income tax credit equal to a percentage of expenditures paid for the development of infrastructure relating to the sale of clean fuels. The credit would not be allowed for expenditures made after December 31, 2005.

The amendment proposed to authorize the Board of Environmental Protection to adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. The amendment also proposed to require the Commissioner of Environmental Protection to convene a working group to recommend a motor vehicle emissions incentives and education program. The working group would be required to report its recommendations to the Legislature by February 1, 1998.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-337), presented on behalf of the Committee on Bills in the Second Reading, proposed to change the section number of one of the provisions in the legislation.

Senate Amendment "C" to Committee Amendment "A" (S-414) proposed to eliminate the excise tax and sales and use tax exemptions and the income tax credit for clean fuel vehicles. It also proposed to eliminate the appropriation section.

Enacted law summary

Public Law 1997, chapter 500 creates the revolving Clean Fuel Vehicle Fund under the jurisdiction of the Finance Authority of Maine to make loans to finance clean fuel vehicle projects, including the acquisition or lease of clean fuel vehicles and the acquisition of capital equipment necessary to establish clean fuel vehicle support and maintenance facilities. The law also authorizes the authority to insure mortgage loans for clean fuel vehicle projects.

The law permits an insurer to offer credits or refunds on insurance policy premiums in order to encourage the use of clean fuel vehicles if the credits or refunds are not funded through increases in insurance premiums on other vehicles.

The law authorizes the Board of Environmental Protection to adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. The law also requires the Commissioner of Environmental Protection to convene a working group to recommend a motor vehicle emissions incentives and education program. The working group must report its recommendations to the Legislature by February 1, 1998.

LD 466 An Act to Establish Guidelines for the Utilization of Municipal Solid PUBLIC 418
Waste Incinerator Ash and Its Derivatives

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	OTP-AM MAJ	H-646
AMERO	ONTP MIN	

LD 466 proposed to establish guidelines in statute, including permitted uses, restrictions and prohibitions, for the use of municipal solid waste incinerator ash. It also proposed to require local approval for any use of 50 or more tons of ash.

Committee Amendment "A" (H-646) proposed to replace the bill. The amendment proposed to require the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules would be major substantive rules and would be reviewed by the Legislature. The amendment also proposed to specify six issues that the board must consider in developing the rules.

The amendment proposed to prohibit the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The amendment proposed to prohibit the department from processing or acting upon an application for this license until rules are finally adopted by the board.

The amendment proposed to authorize the use of municipal solid waste incinerator ash processed to remove noncombusted materials and reduce the solubility of metals as daily cover, construction material or in pilot projects in the lined areas of a secure landfill. Each use would have to receive case-by-case approval from the department.

The amendment also proposed to enumerate several findings made by the Legislature with respect to municipal solid waste incinerator ash.

Enacted law summary

Public Law 1997, chapter 418 requires the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules are major substantive rules and must be reviewed by the Legislature. The law specifies six issues that the board must consider in developing the rules.

The law prohibits the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The law prohibits the

department from processing or acting upon an application for this license until rules are finally adopted by the board.

The law authorizes the use of municipal solid waste incinerator ash processed to remove noncombusted materials and reduce the solubility of metals as daily cover, construction material or in pilot projects in the lined areas of a secure landfill. Each use must receive case-by-case approval from the department.

The law also enumerates several findings made by the Legislature with respect to municipal solid waste incinerator ash.

LD 474

An Act to Amend the Waste Management Laws Regarding Landfill Closure

PUBLIC 479

Sponsor(s)
MORGAN
AMERO

Committee Report
OTP-AM

Amendments Adopted
H-459

LD 474 proposed to extend the date from January 1, 1998 to January 1, 2000 after which the State is not required to reimburse municipalities for costs incurred for work relating to landfill closure procedures.

Committee Amendment "A" (H-459) proposed to replace the bill. The amendment proposed to clarify the state cost-share fraction of landfill closure costs incurred by municipalities and to extend the state cost-share program for two years. The amendment also proposed to clarify the Commissioner of Environmental Protection's authority to issue grants or payments to municipalities in the amount of 75% of closure costs incurred when the state cost share is 50% or 30% of closure costs if the commissioner determines that the closure work was delayed for reasons beyond the control of the municipality and the costs are identified in and incurred pursuant to a written agreement between the municipality and the Department of Environmental Protection.

The amendment also proposed to clarify that the state cost-share fraction for remediation and closure costs does not apply to municipal solid waste landfills that have been identified as uncontrolled hazardous substance sites or Superfund sites. The commissioner would be required to determine the amount of grants or payments issued to municipalities for the costs of remediation and closure at those sites.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 479 clarifies the state cost-share fraction of landfill closure costs incurred by municipalities and also extends the state cost-share program for two years. The law also clarifies the Commissioner of Environmental Protection's authority to issue grants or payments to municipalities in the amount of 75% of closure costs incurred when the state cost share is 50% or 30% of closure costs if the commissioner determines that the closure work was delayed for reasons beyond the control of the municipality and the costs are identified in and incurred pursuant to a written agreement between the municipality and the Department of Environmental Protection.

The law also clarifies that the state cost-share fraction for remediation and closure costs does not apply to municipal solid waste landfills that have been identified as uncontrolled hazardous substance sites or Superfund

sites. The commissioner shall determine the amount of grants or payments issued to municipalities for the costs of remediation and closure at those sites.

LD 497

An Act to Exempt Certain Incinerators from Environmental Laws and Department of Environmental Protection Regulations

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	ONTP	

LD 497 proposed to exempt resource recovery facilities that burn less than one ton per day or that have less than 15 cubic feet of burning area from testing requirements for resource recovery facilities and from rules adopted by the Board of Environmental Protection relating to incinerators or resource recovery facilities.

LD 553

An Act to Clarify Certain Department of Environmental Protection Prohibitions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	ONTP	

LD 553 proposed to remove the prohibition on repairing permanent structures in any protected natural resource or adjacent to a wetland without a permit.

LD 554

An Act to Change the Definition of Pollutant in the Environmental Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	ONTP	

LD 554 proposed to change the definition of pollutant in the environmental laws by eliminating rock, sand and dirt.

LD 583

An Act to Establish Cost-benefit Analysis for Environmental Rules

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE	ONTP MAJ	
CAREY	OTP-AM MIN	

LD 583 proposed to amend the current procedures for legislative review of agency rules. It proposed to add to the existing requirements for economic impact information pertaining to proposed and adopted rules. For environmental rules, the bill proposed to require the Board of Environmental Protection or the Department of Environmental Protection to supply the Legislature with further cost-benefit analyses.

Committee Amendment "A" (H-95), the minority report of the Joint Standing Committee on Natural Resources, proposed to add an appropriation and fiscal note to the bill. This amendment was not adopted.

LD 592 **An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems** **PUBLIC 106**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM MAJ	H-96
CATHCART	ONTP MIN	

LD 592 proposed to require that a subsurface waste water disposal system may not be operated until the municipality has verified that the system was actually constructed according to the plan originally submitted for construction.

Committee Amendment "A" (H-96) proposed to replace the bill. The amendment proposed to increase the maximum fee that may be charged for a nonengineered subsurface waste water disposal system permit from \$60 to \$100. The amendment also proposed to add an allocation and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 106 increases the maximum fee that may be charged for a nonengineered subsurface waste water disposal system permit from \$60 to \$100.

LD 599 **An Act to Eliminate Fees on the Disposal of Municipal Solid Waste Incinerator Ash** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	ONTP	

LD 599 proposed to eliminate the \$2 per ton fee on disposal of municipal solid waste ash at commercial, municipal or regional association landfills.

LD 636 **An Act to Cap the Fees Responsible Parties Pay for the Transportation of Hazardous Waste from Superfund Sites** **PUBLIC 258**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM MAJ	H-276
	ONTP MIN	

LD 636 proposed to provide an incentive for the removal of hazardous waste transported as a result of remedial or corrective actions or facility closures by waiving the fees on the transportation of hazardous waste.

Committee Amendment "A" (H-276), the majority report of the Joint Standing Committee on Natural Resources, proposed to change the title of the bill. The amendment proposed to cap the fees that may be required for hazardous waste transported off a federally declared Superfund site that was added to the national priorities list by the United States Environmental Protection Agency on or before January 1, 1997 at \$200,000 per site in any calendar year. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 258 caps the fees that may be required for hazardous waste transported off a federally declared Superfund site that was added to the national priorities list by the United States Environmental Protection Agency on or before January 1, 1997 at \$200,000 per site in any calendar year.

LD 648 **Resolve, to Allow Donald Hebert to Retain a Certain Structure in Exchange for the Removal of Another Structure** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP MAJ	
PARADIS	OTP MIN	

LD 648 proposed to allow Donald Hebert to retain a sun room attached to his residence in the Town of Madawaska in violation of the town's water setback requirements. In exchange for retaining the sun room, the resolve would have required Donald Hebert to remove a storage shed located on the same property and restore the area of the shed to natural vegetation.

LD 658 **Resolve, Requiring the Department of Human Services to Establish a Maximum Contaminant Level for MTBE** **RESOLVE 58**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP-AM	H-386
CAREY		

LD 658 proposed to establish in statute a maximum allowable contaminant level for all public water supplies for methyl tert-butyl ether of five parts per billion.

Committee Amendment "A" (H-386) proposed to replace the bill and change the title. The amendment, a resolve, proposed to require the Commissioner of Human Services to adopt rules establishing a maximum contaminant level for methyl tert-butyl ether, MTBE. The rules would be major substantive rules and would have to be submitted to the Legislature for review no later than February 1, 1998.

Enacted law summary

Resolve 1997, chapter 58 requires the Commissioner of Human Services to adopt rules establishing a maximum contaminant level for methyl tert-butyl ether, MTBE. The rules are major substantive rules and must be submitted to the Legislature for review no later than February 1, 1998.

**LD 660 An Act to Opt out of the Federal Requirement to Use Reformulated CARRIED OVER
Fuel**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP CAREY		

LD 660 proposes to provide that a state or federal authority may not mandate any fuel for use, nor prohibit the sale of any fuel that is sold in any other state of the United States.

It proposes to prohibit a state or federal authority from implementing any automobile testing policy, process or program without state legislative approval.

It proposes to require sellers of gasoline or fuel to post material safety data sheets revealing all known chemical components of those fuels.

It proposes to require that all money collected by the State on behalf of the Federal Government be placed in an escrow account and withheld until the total cumulative amount withheld from the Federal Government equals the total amount of financial sanctions, penalties or withholding of funds.

It proposes to instruct the Governor, state representatives, members of the judiciary, constitutional officers and state employees to resign if they fail or refuse to implement the requirements of the bill.

It proposes to provide that no aspect of Section 7545(k) of the federal Clean Air Act may be implemented in this State without state legislative approval.

This bill has been carried over to the Second Regular Session of the 118th Legislature.

**LD 748 An Act to Prohibit Residential Burning of Domestic, Household ONTP
Trash**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	ONTP	

LD 748 proposed to prohibit all residential burning of household trash.

See also LD 967.

LD 767**An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER	ONTP MAJ OTP-AM MIN	

LD 767 which was initially referenced to and reported out of the Natural Resources Committee, was re-referred to the Utilities and Energy Committee. The bill proposed to require that impact fees established by sewer or sanitary districts conform to the requirements of law that apply to impact fees established by municipalities.

Committee Amendment "A" (H-145), the minority report of the Joint Standing Committee on Natural Resources, proposed to specify that it is the restrictions on the imposition of impact fees, and not the home rule authority to adopt impact fees, that apply to sanitary districts and sewer districts as well as to municipalities. This amendment was not adopted.

Committee Amendment "B" (H-548), the minority report of the Joint Standing Committee on Utilities and Energy, proposed that impact fees collected by sewer and sanitary districts be subject to regulation by the Public Utilities Commission. This amendment was not adopted.

LD 776**An Act to Exempt Permitted Auto Recyclers from the Solid Waste Management Rules****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MERES	ONTP	

LD 776 proposed to require that an automobile recycling business with an automobile recycling business permit issued by the municipality in which it is located meet the following standards for tire storage areas: the total area for tire storage must be less than 10,000 square feet by 10 feet high and fire lanes must be constructed and maintained.

The bill also proposed to exempt an automobile recycling business with an automobile recycling business permit from the Board of Environmental Protection's solid waste management rules relating to tire storage.

LD 866**An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions****PUBLIC 226**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTLAND TAYLOR	OTP-AM	S-129

LD 866 proposed to clarify the procedure for municipal review of a proposed subdivision that crosses municipal boundaries by requiring that all meetings to discuss the application be held jointly by the reviewing authorities from each municipality and that the subdivision regulations adopted by each municipality be considered and the stricter regulations applied when a decision is issued on the proposed subdivision.

Committee Amendment "A" (S-129) proposed to require that, when any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application for the subdivision or a revision to the subdivision be held jointly by the reviewing authorities from each municipality. The requirement could be waived upon written agreement of the reviewing authorities.

The amendment also proposed to require that, when reviewing a subdivision that crosses municipal boundaries, the reviewing authorities consider and make a finding of fact regarding whether the proposed subdivision will cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 226 requires that, when any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application for the subdivision or a revision to the subdivision be held jointly by the reviewing authorities from each municipality. The requirement may be waived upon written agreement of the reviewing authorities.

The law also requires that, when reviewing a subdivision that crosses municipal boundaries, the reviewing authorities consider and make a finding of fact regarding whether the proposed subdivision will cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

LD 906

An Act to Facilitate Removal of Certain Licensed Overboard Discharges

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	ONTP MAJ	
KILKELLY	OTP-AM MIN	

LD 906 proposed to authorize sanitary and sewer districts that serve more than one municipality to construct an extension if that extension eliminates large licensed overboard discharges of 30,000 gallons per day or more thereby diverting the discharge into a district's treatment system. The bill proposed to require that the extension be a forced main construction with no direct connections except to eliminate another overboard discharge of 30,000 gallons per day or more. Any other service that did not meet these restrictions would have to receive the written assurance from the appropriate municipal officers as required by law.

Committee Amendment "A" (H-393), the minority report of the Joint Standing Committee on Natural Resources, proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 908

**An Act to Amend the Definition of the Term Subdivision in the Site
Location of Development Laws**

ONTP

Sponsor(s)
TRUE

Committee Report
ONTP

Amendments Adopted

LD 908 proposed to increase from 15 to 16 the number of lots into which a parcel larger than 30 acres may be divided before it is considered a subdivision for purposes of the site location of development laws.

LD 967

An Act to Clarify the Laws Relating to Backyard Burning

PUBLIC 512

Sponsor(s)
VOLENIK

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-392
S-408 MICHAUD

LD 967 proposed to prohibit the burning of solid waste. The bill proposed to exempt the following activities from the prohibition:

1. The burning of materials customarily burned in fireplaces, wood stoves, campfires and grills;
2. The burning of yard wastes or natural wood;
3. The incineration of solid waste at a regulated waste facility;
4. The burning of structures and solid or liquid fuels for the purpose of instruction and training of firefighters;
5. The burning in forest areas of brush, tree cuttings and slash;
6. Burning for the purposes of weed abatement; disease prevention or control; forest fire prevention or control; or agricultural, forestry or wildlife habitat management;
7. Burning that is necessary to abate imminent threats to public health, safety and welfare; and
8. Burning of waste in year-round island communities that are not connected to the mainland by bridge.

Committee Amendment "A" (H-392), the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill. It proposed to authorize the Director of the Bureau of Forestry in the Department of Conservation to consider any prior convictions for violating the laws relating to out-of-door burning of trash. It also proposed to include municipal code enforcement officers in the list of persons authorized to demand the production of a permit by anyone engaged in out-of-door burning.

The amendment proposed to clarify that the burning of highly combustible trash is prohibited where curbside trash collection service that is operated or contracted by the municipality or that is required by municipal ordinance is available and will accept those materials and that the burning of certain other types of trash is prohibited in all areas. It also proposed to clarify that a permit is required for residential open burning of highly combustible trash

in open or enclosed incinerators in municipalities where municipal curbside trash collection service is not available or will not accept those materials.

The amendment also proposed to establish the Task Force to Study Backyard Burning and proposed to require the task force to submit a report to the Joint Standing Committee on Natural Resources no later than January 15, 1998. Finally, the amendment proposed to require the Department of Environmental Protection, in consultation with the Executive Department, State Planning Office and the Department of Conservation, Bureau of Forestry, to undertake an educational outreach program to inform the public about the health and environmental effects of backyard burning.

Senate Amendment "B" to Committee Amendment "A" (S-408) proposed to require the Department of Environmental Protection, rather than the Task Force to Study Backyard Burning, to conduct the study and proposed to change the reporting date to January 1, 1998.

Enacted law summary

Public Law 1997, chapter 512 authorizes the Director of the Bureau of Forestry in the Department of Conservation to consider any prior convictions for violating the laws relating to out-of-door burning of trash. It also includes municipal code enforcement officers in the list of persons authorized to demand the production of a permit by anyone engaged in out-of-door burning.

The law clarifies that the burning of highly combustible trash is prohibited where curbside trash collection service that is operated or contracted by the municipality or that is required by municipal ordinance is available and will accept those materials and that the burning of certain other types of trash is prohibited in all areas. It also clarifies that a permit is required for residential open burning of highly combustible trash in open or enclosed incinerators in municipalities where municipal curbside trash collection service is not available or will not accept those materials.

The law requires the Department of Environmental Protection to study issues related to backyard burning and to submit a report with findings and recommendations to the Joint Standing Committee on Natural Resources no later than January 1, 1998. The law also requires the Department of Environmental Protection, in consultation with the Executive Department, State Planning Office and the Department of Conservation, Bureau of Forestry, to undertake an educational outreach program to inform the public about the health and environmental effects of backyard burning.

See also LD 748.

LD 1019

An Act to Allow Foam Food and Beverage Containers in School Cafeterias under Certain Circumstances

PUBLIC 195

Sponsor(s)
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
S-123

LD 1019 proposed to exempt a school or a school administrative district from the prohibition against serving food or beverages in a polystyrene foam plastic container.

Committee Amendment "A" (S-123) proposed to replace the title of the bill. It proposed to permit schools and school administrative districts to request a three-year waiver from the prohibition against serving food or beverages

in polystyrene foam plastic containers. The State Planning Office would be able to grant the waiver as long as the school or district's request includes an explanation of the district's financial hardship and a waste reduction plan, and the school or district has held a public hearing on the proposal to use polystyrene containers and the waste reduction plan. The office would be able to renew the waiver for two-year periods if it finds that the school or district has made reasonable progress toward implementing the plan. The amendment also proposed to authorize the office to provide technical and financial assistance, within available resources, to schools and school administrative districts to assist them with meeting the goal of using durable containers.

Enacted law summary

Public Law 1997, chapter 195 permits schools and school administrative districts to request a three-year waiver from the prohibition against serving food or beverages in polystyrene foam plastic containers. The State Planning Office may grant the waiver as long as the school or district's request includes an explanation of the district's financial hardship and a waste reduction plan, and the school or district has held a public hearing on the proposal to use polystyrene containers and the waste reduction plan. The office may renew the waiver for two-year periods if it finds that the school or district has made reasonable progress toward implementing the plan. The law authorizes the office to provide technical and financial assistance, within available resources, to schools and school administrative districts to assist them with meeting the goal of using durable containers.

LD 1031

An Act Relating to the Use and Reclamation of Number One Pond in Sanford

ONTP

<u>Sponsor(s)</u> TUTTLE MACKINNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1031 proposed to permit the removing or displacing of vegetation in or on Number One Pond in Sanford without a natural resources protection laws permit from the Department of Environmental Protection, provided that the activities were performed under the supervision of the Department of Environmental Protection.

LD 1035

An Act Regarding Board of Environmental Protection Reports

ONTP

<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1035 proposed to require the Board of Environmental Protection to include in its report to the Legislature on the effectiveness of state environmental laws information about the cases that have been handled by the Department of Environmental Protection.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY TRIPP	OTP-AM	S-189 S-393 MICHAUD

LD 1058 proposed to prohibit the Commissioner of Environmental Protection from entering into any interstate agreement relating to the transport of ozone and potentially requiring the State to undertake emissions reductions in addition to those specified in the federal Clean Air Act, 42 United States Code, section 7401 et seq., without the prior review and authorization of the Legislature. The bill proposed to require the joint standing committee of the Legislature having jurisdiction over natural resources matters to review a proposed agreement and to hold at least one public hearing on the proposed agreement. The bill also proposed to require the State Planning Office to assist the committee in its review by studying the impacts of the proposed agreement on the State's economy. It proposed to authorize the committee to report out legislation authorizing the commissioner to enter into the proposed agreement or disapproving the proposed agreement.

Committee Amendment "A" (S-189) proposed to change the title and replace the bill. The amendment proposed to require the Department of Environmental Protection to confer with the Joint Standing Committee on Natural Resources before it proposes any revisions to the state implementation plan that is required under the federal Clean Air Act that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs.

Senate Amendment "A" to Committee Amendment "A" (S-393) proposed to clarify that the per diem and expenses of Legislators must be paid from existing budgeted resources if it is necessary for the Joint Standing Committee on Natural Resources to meet during the interim between sessions.

Enacted law summary

Public Law 1997, chapter 531 requires the Department of Environmental Protection to confer with the Joint Standing Committee on Natural Resources before it proposes any revisions to the state implementation plan that is required under the federal Clean Air Act that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs. The law specifies that the per diem and expenses of Legislators must be paid from existing budgeted resources if it is necessary for the Joint Standing Committee on Natural Resources to meet during the interim between sessions.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER	OTP-AM	H-175

LD 1074 proposed to amend the zoning adjustment statute to adopt "practical difficulty" standards for variances from dimensional standards in zoning ordinances. The bill proposed to allow a petitioner to obtain a variance from a dimensional standard, such as a yard setback, lot area, lot width or a frontage provision, upon a showing of practical difficulty that would be less stringent than must be made under "undue hardship" conditions in the Maine Revised Statutes, Title 30-A, section 4353, subsection 4.

Committee Amendment "A" (H-175) proposed to add to the zoning adjustment statute a fourth type of variance that may be granted from a zoning ordinance. It proposed to authorize a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. The amendment proposed to prohibit the granting of this type of variance if the property is in the shoreland zone.

Enacted law summary

Public Law 1997, chapter 148 adds to the zoning adjustment statute a 4th type of variance that may be granted from a zoning ordinance. It authorizes a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. This type of variance may not be granted if the property is in the shoreland zone.

LD 1095

An Act Concerning State Mandated Municipal Landfill Remediation

ONTP

<u>Sponsor(s)</u> TUTTLE MACKINNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1095 proposed to require the Commissioner of Environmental Protection to reimburse municipalities for 90% of the planning and implementation costs of remediation ordered by the commissioner at a municipal landfill identified as an uncontrolled hazardous substance site. Under current law, the department must reimburse municipalities for 90% of the costs of remediation at a municipal landfill, but if the landfill is identified as an uncontrolled hazardous substance site the commissioner may determine the amount of funds expended at the site.

See also LD 474.

LD 1104

An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure

ONTP

<u>Sponsor(s)</u> WATERHOUSE CAREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1104 proposed to establish an environmental audit privilege to protect the confidentiality of communications relating to voluntary internal environmental audits in order to encourage owners and operators of facilities and other persons conducting activities regulated under the State's environmental laws, or the federal, regional or local counterpart or extension of those laws, to conduct voluntary internal environmental audits of their compliance programs and management systems and to assess and improve compliance with those laws. An environmental audit report would be privileged and not admissible if it met specific requirements, unless the person for whom the report

was prepared waived the privilege or other circumstances existed. The bill proposed to establish a procedure to have the court determine when the privilege may be applied when enforcement authorities request, subpoena or seize an environmental audit report. The bill proposed penalties for violating the nondisclosure requirements.

LD 1135	Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 18 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1135 proposed to authorize adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Enacted law summary

Resolve 1997, chapter 18 authorizes final adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

This resolve was enacted as an emergency measure effective May 7, 1997.

LD 1136	Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 30 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-278
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LD 1136 proposed to authorize adoption of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-278) proposed to require that prior to final adoption of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, the rule be amended as follows: to require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits; to require that owners or operators of excavation sites where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review prior to beginning operations; and to authorize the department to require that such a plan include provisions for monitoring groundwater quality.

The amendment proposed to require the department to adopt major substantive rules that set forth the procedural requirements for the conduct of a public informational meeting. It also proposed to require the department to develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the Maine Revised Statutes, Title 38, section 490-E.

Enacted law summary

Resolve 1997, chapter 30 authorizes final adoption of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, but requires that prior to final adoption, the rule be amended as follows: to require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits; to require that owners or operators of excavation sites where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review prior to beginning operations; and to authorize the department to require that such a plan include provisions for monitoring groundwater quality.

The resolve requires the department to adopt major substantive rules that set forth the procedural requirements for the conduct of a public informational meeting. It also requires the department to develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the Maine Revised Statutes, Title 38, section 490-E.

This resolve was enacted as an emergency measure effective May 16, 1997.

LD 1155 An Act to Create a Permanent Funding Source for the Saco River Corridor Commission PUBLIC 330

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ	H-396
LIBBY	ONTP MIN	H-598 ROWE

LD 1155 proposed to establish an additional source of funding for the Saco River Corridor Commission by establishing the Saco River Corridor Fund in order to partially support the activities of the Commission. The bill proposed to require that by February 1, 1999, the Joint Standing Committee on Natural Resources review whether additional sources of funding to support the Saco River Corridor Commission have been implemented.

Committee Amendment "A" (H-396), the majority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Taxation, proposed to reduce the number of water utilities that would be assessed a fee on the sale of water and fire protection services to fund the activities of the Saco River Corridor Commission by limiting the assessment to those utilities that either draw water directly from the Saco River or from a groundwater source under the influence of the Saco River. The amendment also proposed to change the review requirement in the bill by requiring the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2001 on the sources of revenue used to support the activity and operations of the Saco River Corridor Commission. It proposed to require the committee to review the commission's funding by February 1, 2001 to determine whether sufficient sources of additional revenue have been obtained to support the activities of the commission.

House Amendment "A" to Committee Amendment "A" (H-598) proposed to change the Saco River Corridor Fund from a private, interest-bearing account to a nonlapsing dedicated, interest-bearing account. The amendment

also proposed to clarify that assessments on the sale of water may not be the only source of revenue for funding of the Saco River Corridor Fund.

Enacted law summary

Public Law 1997, chapter 330 establishes the Saco River Corridor Fund in order to partially support the activities of the Saco River Corridor Commission. The law requires the commission to impose a fee of 1% on the sale of water and fire protection services by a water utility that draws water directly from the Saco River or from a groundwater source under the influence of the Saco River. The law requires the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2001 on the sources of revenue used to support the activity and operations of the Saco River Corridor Commission. It also requires the committee to review the commission's funding by February 1, 2001 to determine whether sufficient sources of additional revenue have been obtained to support the activities of the commission.

LD 1217

An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program

PUBLIC 519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ	H-746
TREAT	OTP-AM MIN	

LD 1217 proposed to authorize the Department of Environmental Protection to create and implement a comprehensive watershed protection program designed to protect the State's lakes, rivers, coastal wetlands and other surface waters from nonpoint source pollution. The program would address both existing and emerging pollution sources that can cause water bodies to experience significant changes in trophic condition, decline in cold water fisheries, harm to marine ecosystems and economic impacts due to these pollution-induced impacts.

Part A proposed to establish the overall program at the Department of Environmental Protection and also to establish a priority watershed program to provide focused attention to high priority watersheds at risk from development. Part A also proposed to require the department to coordinate its efforts with other departments, agencies, private and nonprofit entities involved in regulatory and nonregulatory approaches to watershed protection.

Part A also proposed to authorize the department to establish a compensation fee program, which would provide additional flexibility for new developments that must meet the requirements of the storm water laws of the Maine Revised Statutes, Title 38, section 420-D.

Part B proposed to authorize a General Fund bond issue in the amount of \$2,500,000 to fund the Priority Watershed Program.

Committee Amendment "A" (H-746), the majority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Appropriations and Financial Affairs, proposed to replace the bill. The amendment proposed to establish the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. The fund would be established in the Executive Department to be administered by the Land and Water Resources Council. The amendment also

proposed to authorize the Land and Water Resources Council to create and administer a comprehensive watershed protection program to ensure the development and implementation of locally supported watershed management plans.

The amendment proposed to establish a priority watershed protection grants program to be administered by the Department of Environmental Protection for the purpose of providing financial assistance to entities to conduct projects that implement best management practices or other management measures in order to reduce or eliminate nonpoint source pollution. The amendment proposed to specify that the grants program becomes effective only if a \$13,000,000 bond issue, including \$500,000 for mitigation of storm water pollution, is approved by the voters of the State.

Committee Amendment "B" (H-747), the minority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Appropriations and Financial Affairs, proposed to replace the bill. The amendment proposed to establish the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. The fund would be established in the Executive Department to be administered by the Land and Water Resources Council. The amendment also proposed to authorize the Land and Water Resources Council to create and administer a comprehensive watershed protection program to ensure the development and implementation of locally supported watershed management plans.

The amendment proposed to establish a priority watershed protection grants program to be administered by the Department of Environmental Protection for the purpose of providing financial assistance to entities to conduct projects that address nonpoint source pollution. It proposed to limit the use of any bond proceeds allocated to this program to financing capital improvements or purchasing tangible assets with useful lives greater than 10 years. The amendment proposed to specify that the grants program becomes effective only if a \$13,000,000 bond issue, including \$500,000 for mitigation of storm water pollution, is approved by the voters of the State.

This amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 519 establishes the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. The fund is established in the Executive Department to be administered by the Land and Water Resources Council. The law also authorizes the Land and Water Resources Council to create and administer a comprehensive watershed protection program to ensure the development and implementation of locally supported watershed management plans.

The law establishes a priority watershed protection grants program to be administered by the Department of Environmental Protection for the purpose of providing financial assistance to entities to conduct projects that implement best management practices or other management measures in order to reduce or eliminate nonpoint source pollution. The law specifies that the grants program becomes effective only if a \$13,000,000 bond issue, including \$500,000 for mitigation of storm water pollution, is approved by the voters of the State.

Public Law 1997, chapter 561 authorizes a \$6,000,000 bond issue, including \$500,000 to mitigate storm water pollution, contingent upon ratification by the voters of the State, and amends Public Law 1997, chapter 519, to reflect the change in the amount of the bond issue.

LD 1252

Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality

**RESOLVE 31
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-277

LD 1252 proposed to authorize adoption of Chapter 380: Planning Permit, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-277) proposed to require that prior to final adoption of Chapter 380: Planning Permit, the Department of Environmental Protection amend the rule to require that a planning permit be reviewed at least every five years for conformance with department rules and be amended to conform with department rules in effect at the time of review.

Enacted law summary

Resolve 1997, chapter 31 authorizes final adoption of Chapter 380: Planning Permit, but requires that prior to final adoption of the rule, the Department of Environmental Protection amend the rule to require that a planning permit be reviewed at least every five years for conformance with department rules and be amended to conform with department rules in effect at the time of review.

This resolve was enacted as an emergency measure effective May 16, 1997.

LD 1282

An Act to Require the Department of Environmental Protection to Market Recycled Materials

ONTP

Sponsor(s)
BRUNO

Committee Report
ONTP

Amendments Adopted

LD 1282 proposed to require the Department of Environmental Protection to provide marketing services for recyclable materials and to establish a position to provide those services. The bill also proposed to impose a fee on recyclable materials marketed by the department in the amount of 1% of the revenues earned by the seller, to be used to fund the costs associated with providing those services.

LD 1286

**Resolve, to Form a Task Force to Examine Methods of Reimbursing
Automobile Owners for Emissions Testing and Consequent Repair
Costs**

ONTP

Sponsor(s)
KONTOS

Committee Report
ONTP

Amendments Adopted

LD 1286 proposed to create a task force to examine methods of reimbursing persons for test fees and repair costs incurred as a result of the auto emissions testing program required by state law in 1994 and repealed in 1995. The resolve proposed to charge the task force with examining ways to alleviate costs that may be imposed upon motor vehicle owners under any testing program imposed in the future under requirements of federal law.

See also LD 1651, which was amended to require the Commissioner of Environmental Protection to make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program.

LD 1292

**An Act to Extend the Removal Deadline for Certain Repaired
Concrete Underground Oil Storage Tanks**

PUBLIC 167

Sponsor(s)
CAREY
DEXTER

Committee Report
OTP-AM

Amendments Adopted
S-108

LD 1292 proposed to extend by three years the existing deadline for removal of certain repaired concrete underground oil storage tanks.

Committee Amendment "A" (S-108) proposed to add two additional requirements to the deadline extension for removal of certain repaired concrete underground oil storage tanks: leak detection procedures at such tanks would have to include monthly visual monitoring for oil and discharges from such tanks discovered after October 1, 1997 would not be eligible for coverage from the Ground Water Oil Clean-up Fund of clean-up costs and third-party damage claim costs.

Enacted law summary

Public Law 1997, chapter 167 extends by three years the existing deadline for removal of certain repaired concrete underground oil storage tanks. It requires that leak detection procedures at such tanks include monthly visual monitoring for oil. Discharges from such tanks that are discovered after October 1, 1997 are not eligible for coverage from the Ground Water Oil Clean-up Fund of clean-up costs and third-party damage claim costs.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-193
ROWE	ONTP MIN	

LD 1293 proposed to require the State Planning Office to evaluate the Board of Environmental Protection's rules relating to permit by rule under the natural resources protection laws and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters during the Second Regular Session of the 118th Legislature on its findings and recommended changes to the permit-by-rule program.

Committee Amendment "A" (S-193), the majority report of the committee, proposed to require the Land and Water Resources Council, in consultation with the Department of Environmental Protection, to evaluate the Board of Environmental Protection's permit-by-rule program, instead of the State Planning Office. The amendment proposed to require the Land and Water Resources Council to consider, in addition to the four issues specified in the resolve, whether the permit-by-rule standards are adequate to ensure no significant impact upon the environment when projects are in compliance with the standards. The amendment proposed to require the Land and Water Resources Council to report its findings by February 1, 1998.

Enacted law summary

Resolve 1997, chapter 35 requires the Land and Water Resources Council, in consultation with the Department of Environmental Protection, to evaluate the Board of Environmental Protection's rules relating to permit by rule under the natural resources protection laws and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 1998 on its findings and recommended changes to the permit-by-rule program.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN	ONTP	
KONTOS		

LD 1299 proposed to establish the Council on Environmental Monitoring and Assessment. The council would be directed to devise a mechanism to provide ongoing coordination and communication among existing volunteer water quality monitoring programs and to examine ways to promote the use of environmental data collected by the volunteers.

The Governor established the Council on Environmental Monitoring and Assessment by Executive Order.

Sponsor(s)
SHIAH

Committee Report
OTP-AM

Amendments Adopted
H-491

LD 1313 proposed to eliminate separate certification of underground hazardous substance tank installers, allowing certified oil tank installers to install or remove underground hazardous substance storage tanks if the work is supervised by a professional engineer. In addition, the bill proposed to make a change to facilitate certification of persons as underground gasoline storage tank removers.

The bill proposed to amend the rule-making laws of the Department of Environmental Protection to exempt rules from petitions to the Board of Environmental Protection and from potential legislative review where the rule has already been reviewed as a major substantive rule under provisions contained in the Maine Revised Statutes, Title 5, section 8072.

The bill proposed to increase the ceiling on the Board of Environmental Protection Fund.

The bill proposed to streamline processing of permit applications for scientific research and experimentation by delegating decision-making authority from the Board of Environmental Protection to the Commissioner of Environmental Protection.

The bill proposed to clarify the requirements in order to receive delegated authority under the State's natural resources protection laws. It further proposed to clarify the types of activities or resources that delegated authority may be applied to. In addition, the bill proposed to limit the individual oversight authority of the Department of Environmental Protection for those activities covered under chapter 305 of the department's rules for which permits are issued by a delegated municipality under the natural resources protection laws.

The bill proposed to make changes to the laws governing performance standards for quarries and for excavations.

The bill proposed to make a nonsubstantive change eliminating obsolete fee language from the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund.

The bill proposed to establish liens on the property of persons responsible for oil spills. The proposed language would be consistent with current law governing spills of hazardous substances.

The bill proposed to raise the cap on disbursements for administrative costs from the Ground Water Oil Clean-up Fund from \$1,734,000 to \$2,000,000 to reflect increased personnel costs since the cap was enacted in 1990. The bill also proposed to provide for an annual upward adjustment of 4% to cover future increases in personnel costs.

The bill proposed to clarify that persons responsible for oil spills are liable for damages to natural resources. The proposed language is derived from and consistent with the federal Oil Pollution Control Act of 1990.

The bill proposed to change the requirements for the State to move forward with a regional low-emission vehicle program.

The bill proposed to repeal and replace the law governing state cost share for landfill closure to make the law easier to understand without making a substantive change.

The bill proposed to amend the law governing reporting of hazardous substance spills to update the reference to federal reportable quantities.

The bill proposed to allow the Board of Environmental Protection to identify as hazardous matter any substance that has been designated as hazardous by the federal Environmental Protection Agency in regulations under the Comprehensive Environmental Response, Compensation and Liability Act.

The bill proposed to correct a statutory reference governing forfeiture of conveyances used to transport hazardous waste.

Committee Amendment "A" (H-491) proposed to remove from the bill language transferring authority to issue permits for scientific research and experimentation in the fields of pollution and pollution control from the Board of Environmental Protection to the Commissioner of Environmental Protection.

The amendment also proposed to eliminate language in the bill that made the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill with precedence over all other encumbrances on the property. The amendment proposed to make the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill and exempts from the lien the real estate of a party that is determined responsible only because a vessel that caused a spill was headed for that party's terminal facilities. The amendment also proposed to add the lien provision to the laws that govern the Ground Water Oil Clean-up Fund after December 31, 1999.

The amendment proposed to add to the provisions in the bill relating to a regional low-emission vehicle program a requirement that the Department of Environmental Protection study zero-emission vehicles and issues relating to the implementation and use of those vehicles in the State and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000. It also proposed to remove from those provisions references to federal regulations that are no longer applicable.

The amendment proposed to remove from the bill language repealing and replacing the law governing state cost share for landfill closure.

Enacted law summary

Public Law 1997, chapter 364 eliminates separate certification of underground hazardous substance tank installers. In addition, this law makes a change to facilitate certification of persons as underground gasoline storage tank removers.

The law amends the rule-making laws of the Department of Environmental Protection to exempt rules from petitions to the Board of Environmental Protection and from potential legislative review where the rule has already been reviewed as a major substantive rule under provisions contained in the Maine Revised Statutes, Title 5, section 8072. This modification avoids duplicative legislative review of rules containing provisions that are more stringent than corresponding federal requirements.

The law increases the ceiling on the Board of Environmental Protection Fund.

The law clarifies the requirements in order to receive delegated authority under the State's natural resources protection laws. It further clarifies the types of activities or resources that delegated authority may be applied to. In addition, the law limits the individual oversight authority of the Department of Environmental Protection for

those activities covered under chapter 305 of the department's rules for which permits are issued by a delegated municipality under the natural resources protection laws.

The law makes changes to the laws governing performance standards for quarries and for excavations.

The law eliminates obsolete fee language from the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund.

The law makes the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill and exempts from the lien the real estate of a party that is determined responsible only because a vessel that caused a spill was headed for that party's terminal facilities.

The law raises the cap on disbursements for administrative costs from the Ground Water Oil Clean-up Fund. The cap is raised from \$1,734,000 to \$2,000,000 to reflect increased personnel costs since the cap was enacted in 1990, and provision is made for an annual upward adjustment of 4% to cover future increases in personnel costs.

The law clarifies that persons responsible for oil spills are liable for damages to natural resources. The new language is derived from and consistent with the federal Oil Pollution Control Act of 1990.

The law changes the requirements for the Board to move forward with a regional low-emission vehicle program by requiring that jurisdictions comprising more than 60% of the total registrations of new passenger cars in the ozone transport region have adopted a low-emission vehicle program and by requiring that the first model year required to meet the standards under the program in any of those states is not later than model year 2000. The law requires the Department of Environmental Protection to study zero-emission vehicles and issues relating to the implementation and use of those vehicles in the State and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000.

The law amends the laws governing reporting of hazardous substance spills to update the reference to federal reportable quantities.

The law allows the Board of Environmental Protection to identify as hazardous matter any substance that has been designated as hazardous by the federal Environmental Protection Agency in regulations under the Comprehensive Environmental Response, Compensation and Liability Act.

The law corrects a statutory reference governing forfeiture of conveyances used to transport hazardous waste.

See also LD 474.

LD 1330

An Act to Ensure Adequate Review of Maintenance Dredging

PUBLIC 240

Sponsor(s)
LAFOUNTAIN

Committee Report
OTP-AM

Amendments Adopted
S-155

LD 1330 proposed to specify that maintenance dredging may not be performed without an individual permit issued by the Department of Environmental Protection when the activity is located in, on or over high quality waters of the State that constitute an outstanding national resource if the amount of material to be dredged exceeds 50,000 cubic yards. The bill also proposed to provide a definition of "high quality waters of the State that constitute an outstanding national resource" that is consistent with the classification system for surface waters in the State.

Committee Amendment "A" (S-155) proposed to replace the bill. The amendment proposed to specify that an individual permit or federal consistency determination issued by the Department of Environmental Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The amendment also proposed to clarify that if an individual permit is required for maintenance dredging, the applicant may update an alternatives analysis that has been conducted for the dredging project within the previous 10 years.

The amendment proposed to require that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for dredging in the same location within the last 10 years.

Enacted law summary

Public Law 1997, chapter 240 specifies that an individual permit or federal consistency determination issued by the Department of Environmental Protection is required for maintenance dredging if the amount of material to be dredged exceeds 50,000 cubic yards. The law also clarifies that if an individual permit is required for maintenance dredging, the applicant may update an alternatives analysis that has been conducted for the dredging project within the previous 10 years.

The law requires that maintenance dredging may be performed with a permit by rule only if the applicant has been issued an individual permit for dredging in the same location within the last 10 years.

LD 1435

**An Act to Clarify Reimbursement by Responsible Parties to the
Maine Coastal and Inland Surface Oil Clean-up Fund**

PUBLIC 188

Sponsor(s)
LAWRENCE
ETNIER

Committee Report
OTP-AM

Amendments Adopted
S-128

LD 1435 proposed to authorize a state agency that has incurred costs related to oil spill response activities to establish an account for receipt of disbursements from the Maine Coastal and Inland Surface Oil Clean-up Fund. The bill proposed to require an agency seeking reimbursement to keep time records demonstrating the amount of spill response activities performed for which reimbursement is sought.

Committee Amendment "A" (S-128) proposed to clarify the bill by making the language regarding costs incurred in undertaking oil spill response activities consistent with existing language.

Enacted law summary

Public Law 1997, chapter 188 authorizes a state agency seeking reimbursement for costs incurred in undertaking oil spill response activities to establish an account for receipt of disbursements from the Maine Coastal and Inland Surface Oil Clean-up Fund. The law requires an agency seeking reimbursement to keep time records demonstrating the amount of spill response activities performed for which reimbursement is sought.

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
	OTP-AM	MAJ	
	OTP-AM	MIN	
			H-578
			H-754 ROWE

LD 1455 proposed to authorize adoption of Chapter 500: Stormwater Management, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-578), the majority report of the Joint Standing Committee on Natural Resources, proposed to remove the emergency preamble and emergency clause from the resolve. The amendment proposed to require that prior to final adoption of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, the rule be amended to provide an exception for certain small projects to the requirement that designs required as part of the application for an individual permit or a permit by rule must be prepared under the supervision of or designed by a registered professional engineer. The amendment proposed to require that the rule allow designs required for those small projects to be prepared by other land use professionals who are knowledgeable in storm water management.

The amendment also proposed to authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 118th Legislature regarding application of the storm water management laws statewide and to existing sources.

Committee Amendment "B" (H-579), the minority report of the Joint Standing Committee on Natural Resources, proposed to remove the emergency preamble and emergency clause from the resolve. The amendment proposed to disapprove final adoption of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-754) proposed to require the Commissioner of Environmental Protection to develop and report by January 15, 1998 to the Joint Standing Committee on Natural Resources measures to reduce the contribution of nonpoint service pollution to Maine lakes, streams and coastal waters from existing sources.

Enacted law summary

Resolve 1997, chapter 67 authorizes final adoption of Chapter 500: Stormwater Management, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality, but requires that prior to final adoption, the rule be amended to provide an exception for certain small projects to the requirement that designs required as part of the application for an individual permit or a permit by rule must be prepared under the supervision of or designed by a registered professional engineer. The law requires that the rule allow designs required for those small projects to be prepared by other land use professionals who are knowledgeable in storm water management.

The law requires the Commissioner of Environmental Protection to develop and report by January 15, 1998 to the Joint Standing Committee on Natural Resources measures to reduce the contribution of nonpoint service pollution to Maine lakes, streams and coastal waters from existing sources. It also authorizes the committee to report out legislation to the Second Regular Session of the 118th Legislature regarding application of the storm water management laws statewide and to existing sources.

LD 1471	Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 47
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-248
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LD 1471 proposed to authorize adoption of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (S-248) proposed to remove the emergency preamble and emergency clause from the resolve.

Enacted law summary

Resolve 1997, chapter 47 authorizes final adoption of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

LD 1499	An Act to Prohibit the Use of Harmful Additives in Gasoline	ONTP
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<u>Sponsor(s)</u> VEDRAL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1499 proposed to require the Department of Human Services, Bureau of Health to issue an order prohibiting the sale of gasoline with additives that have not been proven to be without long-term or short-term effects on public health.

LD 1503	An Act to Amend the Site Location of Development Laws	PUBLIC 485
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<u>Sponsor(s)</u> SHIAH	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-609
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LD 1503 proposed to require that a town, before it can qualify to substitute its site law permit for a Department of Environmental Protection permit for subdivision review, have site law ordinances that require those subdivisions to be reviewed for impacts on fisheries and wildlife habitat, unusual natural areas and archaeological and historic sites in or adjacent to the subdivisions.

The bill also proposed to repeal the provision of law that creates an irrebuttable presumption that towns with a population over 2,500 have the capacity to conduct site law reviews after January 1, 2003.

The bill also proposed to require that the Department of Environmental Protection coordinate with the Department of Inland Fisheries and Wildlife to provide training to local planning boards and code enforcement officers on developing and implementing effective review and protection strategies. Towns that have already been registered to review those types of subdivisions would have until January 1, 2000 to choose whether to continue reviewing them or to forego that authority.

Committee Amendment "A" (H-609), the majority report of the Joint Standing Committee on Natural Resources, proposed to remove the emergency preamble and emergency clause from the bill. It proposed to require that the criteria for municipal capacity under the site location of development laws include a determination by the State Planning Office that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with the Maine Revised Statutes, Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The amendment proposed to restore to the law language repealed in the bill creating a presumption that municipalities over a certain population threshold have the capacity to conduct site law reviews after January 1, 2003. The amendment proposed to raise the population threshold for presumed capacity from 2,500 to 5,000 and to strike the word "irrebuttable" from the provision creating the presumption of capacity.

The amendment also proposed to add a provision exempting certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The amendment proposed to remove from the bill a requirement that the Department of Environmental Protection coordinate with the Department of Inland Fisheries and Wildlife to provide training to local planning boards and code enforcement officers on developing and implementing effective review and protection strategies and a requirement that the Department of Environmental Protection consult with towns that have already been registered to review subdivisions to ensure that they choose whether to continue reviewing them or to forgo that authority. The amendment proposed to require the Department of Environmental Protection and the State Planning Office to consult with municipalities that will be presumed to have capacity by January 1, 2003 to assist those municipalities in developing capacity. The amendment also proposed to require the State Planning Office to review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for local growth management programs are consistent with the criteria for a determination of municipal capacity.

Enacted law summary

Public Law 1997, chapter 485 requires that the criteria for municipal capacity under the site location of development laws include a determination by the State Planning Office that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with the Maine Revised Statutes, Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The law raises the population threshold from 2,500 to 5,000 for the presumption that municipalities have the capacity to conduct site law reviews after January 1, 2003. The law strikes the word "irrebuttable" from the provision creating the presumption of capacity.

The law exempts certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The law requires the Department of Environmental Protection and the State Planning Office to consult with municipalities that will be presumed to have capacity by January 1, 2003 to assist those municipalities in developing capacity. The law also requires the State Planning Office to review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for local growth management programs are consistent with the criteria for a determination of municipal capacity.

LD 1513 **An Act to Change the Department of Environmental Protection's Regulatory Process from an Instruction-based Process to a Contractual Performance-based Approach** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP MAJ	
BUTLAND	OTP MIN	

LD 1513 proposed to require that all rules adopted by the Board of Environmental Protection on or after January 1, 1999 include performance-based criteria for compliance with those rules. The bill also proposed to require the Commissioner of Environmental Protection to study the implementation of performance-based environmental rules and to report by January 1, 1998 to the Joint Standing Committee on Natural Resources on the performance-based rules that would be adopted in 1999, the changes, if any, needed in the department's procedures to ensure effective monitoring and enforcement of performance-based rules, the costs or savings to the Department of Environmental Protection of those changes in procedure and a discussion of any state or federal laws that might limit the department's ability to fully implement performance-based environmental regulations.

LD 1531 **An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat** **PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH	OTP-AM MAJ	H-275
	ONTP MIN	

LD 1531 proposed to require the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly make an annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the progress of the mapping of significant wildlife habitats.

Committee Amendment "A" (H-275), the majority report of the Joint Standing Committee on Natural Resources, proposed to require that the report on the progress of the mapping of significant wildlife habitats be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters as well as the joint standing committee of the Legislature having jurisdiction over natural resource matters and that the report be submitted January 1, 1998 and on or before January 1st of every odd-numbered year thereafter.

Enacted law summary

Public Law 1997, chapter 230 requires the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to jointly report to the joint standing committee of the Legislature having jurisdiction

over natural resource matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the progress of the mapping of significant wildlife habitats. The report is due on January 1, 1998 and on or before January 1st of every odd-numbered year thereafter.

LD 1554

**An Act to Eliminate Inconsistencies and Unnecessary Duplication
Regarding the Training and Certification of Individuals Who
Enforce Land Use Regulations**

PUBLIC 296

Sponsor(s)
ETNIER

Committee Report
OTP-AM

Amendments Adopted
H-418

LD 1554 proposed to eliminate inconsistencies and unnecessary duplication between the Department of Human Services and the State Planning Office by consolidating at the State Planning Office responsibility to train and certify local plumbing inspectors and to certify individuals to enforce land use laws under the Maine Rules of Civil Procedure, Rule 80-K. This bill also proposed to authorize the State Planning Office to charge fees necessary to cover the costs of testing and training.

Committee Amendment "A" (H-418) proposed to make several technical changes to the bill. The amendment proposed to clarify that a municipality may employ a local plumbing inspector who has not yet been certified by the State Planning Office if the plumbing inspector receives temporary authorization from the Department of Human Services, Division of Health Engineering. Temporary authorization could be granted for a period not to exceed 12 months. The amendment also proposed to remove the authority granted in the bill to the State Planning Office to charge fees to cover the costs of training and certification of code enforcement officers.

Enacted law summary

Public Law 1997, chapter 296 eliminates inconsistencies and unnecessary duplication between the Department of Human Services and the State Planning Office by consolidating at the State Planning Office responsibility to train and certify local plumbing inspectors and to certify individuals to enforce land use laws under the Maine Rules of Civil Procedure, Rule 80-K. The law authorizes a municipality to employ a local plumbing inspector who has not yet been certified by the State Planning Office if the plumbing inspector receives temporary authorization from the Department of Human Services, Division of Health Engineering. Temporary authorization may be granted for a period not to exceed 12 months.

LD 1555

**An Act to Create the River Flow Advisory Commission within the
Department of Defense and Veterans' Services**

PUBLIC 236

Sponsor(s)
ROWE

Committee Report
OTP-AM

Amendments Adopted
H-279

LD 1555 proposed to create the River Flow Advisory Commission to advise the Governor and the Department of Defense and Veterans' Services on issues relating to the flow of the State's rivers and streams, to assist in communicating information and to administer the State's hydrologic monitoring program in cooperation with the United States Geological Survey. The bill also proposed to appropriate funds for the reimbursement to the United

States Geological Survey for previous work performed and for annual operating costs for four new stage-only gauges.

Committee Amendment "A" (H-279) proposed to remove the appropriation section from the bill and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 236 creates the River Flow Advisory Commission to advise the Governor and the Department of Defense and Veterans' Services on issues relating to the flow of the State's rivers and streams, to assist in communicating information and to administer the State's hydrologic monitoring program in cooperation with the United States Geological Survey.

LD 1577

An Act to Eliminate Paper Mill Dioxin and Restore Maine's Rivers

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	ONTP MAJ	
RAND	OTP-AM MIN	

LD 1577 proposed to establish a zero dioxin effluent limitation as a condition of all waste discharge licenses for kraft pulp and paper mills issued by the Department of Environmental Protection. The bill also proposed to require that all kraft pulp and paper mills in the State eliminate the use of chlorine-based bleaching chemicals in the bleaching process by December 31, 2002.

The bill proposed to require the State to include the zero dioxin effluent limitation and schedule of compliance as a condition of water quality certification under the federal Clean Water Act. It also proposed to require the Commissioner of Environmental Protection to object to the issuance of a license or permit by the United States Environmental Protection Agency to any kraft pulp and paper mill not located in the State that uses chlorine-based bleaching chemicals in its bleaching process and that discharges wastewater into waters that enter the State.

Committee Amendment "A" (H-614), the minority report of the Joint Standing Committee on Natural Resources, proposed to require all kraft pulp and paper mills in the State to have a bleach plant wastewater flow of 5m3/kkg or less of air-dried bleached pulp by December 31, 2002. The amendment proposed to authorize the Commissioner of Environmental Protection to extend the schedule of compliance with the zero dioxin effluent limitation or the low effluent standard for a specific length of time for a mill, but not beyond December 31, 2007, if the commissioner determined, based on information presented by the mill, that compliance would not be achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 1999 on recommendations relating to assistance in the financing of capital investments to assist mills in achieving the requirement for reduced bleach plant wastewater flow.

This amendment was not adopted.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE TREAT	OTP-AM	H-545

LD 1579 proposed to authorize the Commissioner of Environmental Protection to annually adjust all fees within the Maine Environmental Protection Fund according to the United States Consumer Price Index. The bill also proposed to amend existing law relating to air emission fees to apply the Consumer Price Index to the Department of Environmental Protection's minimum and maximum levels of air emission fees and to the air quality surcharge. The bill proposed to require the Commissioner of Environmental Protection to publish an annual fee schedule.

The bill proposed to make discharges from nonconforming underground oil storage tanks and piping ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998.

The bill proposed to make costs incurred to implement a voluntary response action plan ineligible for coverage by the Ground Water Oil Clean-up Fund.

The bill proposed to extend fund coverage of eligible spill clean-up costs incurred by owners and operators of oil storage tanks until December 31, 2005. Under current law, fund coverage ends in 1999, leaving an unfunded clean-up liability of between \$40 and \$50 million.

The bill proposed to eliminate from the language that will govern the Ground Water Oil Clean-up Fund after the fund insurance program ends provisions for additional fund transfers to the Finance Authority of Maine and the Maine State Housing Authority.

The bill proposed to make changes to fully effectuate the extension of the groundwater fund insurance program from December 31, 1999 to December 31, 2005.

Committee Amendment "A" (H-545) proposed to add an exception to the provision in the bill making discharges from nonconforming underground oil storage facilities and tanks ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998. The amendment proposed to extend eligibility for coverage until October 1, 1999 if the facility or tank was not operated or used to store oil after the required removal date and the applicant for coverage was unable to secure financing to remove the facility or tank or unable to obtain the services of a certified underground oil storage tank installer or remover.

The amendment also proposed to strike from the bill the provision making costs incurred to implement a voluntary response action plan ineligible for coverage by the Ground Water Oil Clean-up Fund.

Enacted law summary

Public Law 1997, chapter 374 authorizes the Commissioner of Environmental Protection to annually adjust all fees within the Maine Environmental Protection Fund according to the United States Consumer Price Index and requires the Commissioner of Environmental Protection to publish an annual fee schedule. It also amends existing law to apply the Consumer Price Index to the Department of Environmental Protection's minimum and maximum levels of air emission fees and to the air quality surcharge.

The law makes discharges from nonconforming underground oil storage tanks and piping ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998, except that it extends eligibility for coverage until October 1, 1999 if the facility or tank was not operated or used to store oil after the required removal date and the applicant for coverage was unable to secure financing to remove the facility or tank or unable to obtain the services of a certified underground oil storage tank installer or remover.

The law extends fund coverage of eligible spill clean-up costs incurred by owners and operators of oil storage tanks until December 31, 2005. It also eliminates from the language that will govern the Ground Water Oil Clean-up Fund after the fund insurance program ends provisions for additional fund transfers to the Finance Authority of Maine and the Maine State Housing Authority. The law makes other changes necessary to fully effectuate the extension of the groundwater fund insurance program from December 31, 1999 to December 31, 2005.

LD 1582

**An Act to Clarify and Amend the Storm Water Management Laws,
the Erosion and Sedimentation Control Laws, and the Site Location
of Development Laws**

PUBLIC 502

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE TREAT	OTP-AM	H-643

LD 1582 proposed to amend the erosion and sedimentation control laws, the storm water management laws and the site location of development laws.

The bill proposed to amend the erosion and sedimentation laws to clarify that sites must be maintained to prevent erosion and sedimentation.

It proposed to amend provisions describing the relationship between storm water management laws and other related laws. It proposed to provide that when a joint order is necessary pursuant to both the natural resources protection laws and the storm water management laws, the review period may be extended. It proposed to amend the provision allowing a municipality or quasi-municipality to substitute a management system for storm water for permit requirements to allow the municipality or quasi-municipality to elect to have this substitution take effect either when the system is approved by the department or when the system is completed.

It proposed that a storm water permit would not be required when a permit is required pursuant to the site location of development laws. However, when the development is reviewed pursuant to the site location of development laws solely under the traffic threshold, so that storm water management may not be reviewed under the site location of development laws, a separate storm water permit might be required.

It proposed to change a reference from "impervious area" to "disturbed area" in the fee provision addressing disturbed area.

It proposed to provide authority for the Department of Environmental Protection to establish a compensation fee program to provide an alternative method of meeting the quality standards for certain sites.

It proposed to repeal and replace the list of types of development that require a permit pursuant to the site location of development laws to correct a conflict created during the previous session and to add a new permit threshold addressing oil refineries.

It proposed to change "minimum performance standards" to "standards" in Title 38, section 484, subsection 2, relating to traffic movement standards.

It proposed to amend the new "storm water" standard to provide that the storm water standard for metallic mineral mining and advanced exploration activity would continue to be the standard in department rules adopted to implement Title 38, section 484, subsections 3 and 7.

It proposed to repeal and replace Title 38, section 488, subsections 11 and 16 to correct conflicts created during the previous session.

It proposed to add a provision allowing municipalities to review applications for modifications that, in some cases, may result in a development larger than the upper area threshold specified.

It proposed to amend the provision addressing rulemaking to provide that rulemaking to implement the optional compensation fee program or to update the list of "watersheds of bodies of water most at risk from new development" or the list of "sensitive or threatened regions or watersheds" would not be considered major substantive rulemaking. It also proposed to extend from January 1, 1997 to January 31, 1997 the date by which rules relating to the storm water management laws and certain sections of the site location of development laws must be provisionally adopted and submitted to the Legislature.

It proposed to provide an allocation provision for the storm water compensation fund.

Committee Amendment "A" (H-643) proposed to remove the emergency preamble and emergency clause from the bill. It proposed to change references in the storm water management laws from "erosion control" to "storm water control" and to lower the fee required when vegetative means of storm water control are used from \$250 for each additional acre over five acres of disturbed area to \$125 for each additional acre.

The amendment proposed changes to the compensation fee program provisions in the bill.

The amendment proposed to define an oil terminal facility for purposes of the site location of development laws and to specify that an oil terminal facility within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development laws. The amendment also proposed to clarify the application of the site location of development laws to oil terminal facilities already in existence on June 30, 1997.

The amendment proposed to strike a provision exempting certain modifications to developments from the site location of development laws if the initial developments were exempt and were reviewed by the municipality.

The amendment proposed to extend the date by which storm water rules were to be submitted for review to the Legislature and to provide that rules to update the first comprehensive lists, rather than the first established lists, of water bodies most at risk from new development and sensitive or threatened regions or watersheds are not major substantive rules.

The amendment also proposed to correct the name of the fund in the allocation provision for the Storm Water Compensation Fund.

The amendment proposed to require the Department of Environmental Protection to convene a work group and report to the Joint Standing Committee on Natural Resources by January 1, 1998 with recommendations on whether approval of an expansion of a nonconforming structure in the shoreland zone should be made contingent upon a reduction in the total nonpoint source pollution from the lot and whether the 30% expansion rule set out in the Maine Revised Statutes, Title 38, section 439-A, subsection 4 and department rules adopted pursuant to that subsection should be amended to improve the equity of its application.

The amendment also proposed to require the department, in developing rules to implement the compensation fees for watershed projects, to provide guidance to organizations receiving such fees on how to use the funds.

Enacted law summary

Public Law 1997, chapter 502 clarifies that under the erosion and sedimentation laws sites must be maintained to prevent erosion and sedimentation. It amends the storm water management laws' provisions describing the relationship between storm water management laws and other related laws. It provides that when a joint order is necessary pursuant to both the natural resources protection laws and the storm water management laws, the review period may be extended. It clarifies that a storm water permit is not required when a permit is required pursuant to the site location of development laws, except that if the development is reviewed pursuant to the site location of development laws solely under the traffic threshold, so that storm water management may not be reviewed under the site location of development laws, a separate storm water permit may be required. It amends the provision allowing a municipality or quasi-municipality to substitute a management system for storm water for permit requirements to allow the municipality or quasi-municipality to elect to have this substitution take effect either when the system is approved by the department or when the system is completed.

The law authorizes the Department of Environmental Protection to establish a compensation fee program to provide an alternative method of meeting the storm water quality standards for certain sites. It also provides an allocation for the storm water compensation fund.

It amends the site location of development laws by repealing and replacing the list of types of development that require a site law permit and by making technical corrections. It also defines an oil terminal facility for purposes of the site location of development laws, specifies that an oil terminal facility within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development laws, and clarifies the application of the site location of development laws to oil terminal facilities already in existence on June 30, 1997.

The law amends the provision addressing rulemaking under the storm water management laws to provide that rulemaking to implement the optional compensation fee program or to update the first comprehensive lists of "watersheds of bodies of water most at risk from new development" and "sensitive or threatened regions or watersheds" is not considered major substantive rulemaking. It also extends from January 1, 1997 to February 28, 1997 the date by which rules relating to the storm water management laws and certain sections of the site location of development laws must be provisionally adopted and submitted to the Legislature.

The law requires the Department of Environmental Protection to convene a work group and report to the Joint Standing Committee on Natural Resources by January 1, 1998 with recommendations on whether approval of an expansion of a nonconforming structure in the shoreland zone should be made contingent upon a reduction in the total nonpoint source pollution from the lot and whether the 30% expansion rule set out in the Maine Revised Statutes, Title 38, section 439-A, subsection 4 and department rules adopted pursuant to that subsection should be amended to improve the equity of its application.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SL	OTP-AM	H-577

LD 1593 proposed to transfer authority for implementing a lead abatement licensing, certification and accreditation program and for establishing lead abatement work practice standards to the Department of Environmental Protection from the Department of Human Services. This would consolidate services for the licensing, certification and accreditation of lead and asbestos abatement professionals.

Committee Amendment "A" (H-577) proposed to clarify that lead abatement does not include the renovation and remodeling of a residence and that the Department of Environmental Protection, in adopting rules to implement the lead abatement laws, should ensure that for the purposes of renovation and remodeling the term "residence" includes, but is not limited to, an owner-occupied single-family primary residence that includes a home-based business or an owner-occupied bed and breakfast with 10 or fewer licensed guest rooms. The amendment also proposed to clarify that lead-based paint activities include interim controls.

The amendment proposed to clarify the definitions concerning certain lead abatement professionals, to strike the definition of elevated blood-lead level and to define "lead-poisoned." It also proposed to specify that licensing, certification, notification and work practice standards are not in effect for lead-based paint activities in public buildings, commercial buildings and superstructures until the effective date of rules adopted by the Department of Environmental Protection. The amendment proposed to require that in adopting the rules the department ensure that they minimize duplicative requirements with the regulations of the United States Department of Labor, Occupational Safety and Health Administration.

The amendment also proposed to clarify that a person who is 18 years of age or older may perform abatement activities within a residential dwelling unit that the person owns and personally occupies without obtaining licensing or certification, provided that a child residing in the dwelling unit has not been identified as lead-poisoned.

Enacted law summary

Public Law 1997, chapter 375 transfers authority for implementing a lead abatement licensing, certification and accreditation program and for establishing lead abatement work practice standards to the Department of Environmental Protection from the Department of Human Services. The law requires a person to be licensed or certified by the Department of Environmental Protection in order to engage in residential lead-based paint activities and, after the effective date of rules adopted by the department relating to lead-based paint activities in public or commercial buildings, the law requires a person to be licensed or certified in order to engage in any lead-based paint activities.

LD 1599 Resolve, to Encourage Stream and Wetland Enhancement Projects ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN FISHER	ONTP	

LD 1599 proposed to require the Department of Environmental Protection, Board of Environmental Protection to adopt a rule under the permit by rule provisions of the Maine Revised Statutes, Title 38 permitting conservation groups to improve wetlands, rivers and streams for duck or fish habitats.

LD 1608 An Act to Create the Mousam Way River Environmental Advisory Committee ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MACKINNON	ONTP	

LD 1608 proposed to create the Mousam Way River Environmental Advisory Committee.

LD 1621 An Act to Clarify the Fine for Violation of Certain Land Use Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND CATHCART	ONTP	

LD 1621 proposed to remove the mandatory minimum penalty for violating junkyard and automobile graveyard laws and ordinances.

LD 1633 An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution PUBLIC 444

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP-AM A	S-324
CAMERON	OTP-AM B	
	ONTP C	

LD 1633 proposed to set standards for the discharge of dioxin from bleach kraft pulp mills. It proposed to require these mills to achieve nondetectable levels, defined as under 10 picograms per liter, of 2,3,7,8-tetrachlorodibenzo-p-dioxin inside the mill at the bleach plant by 1998 and nondetectable levels of 2,3,7,8-tetrachlorodibenzo-p-furan by 1999, and to eliminate discharges of dioxin by 2002. The bill proposed to provide that elimination of these discharges is indicated when measurement of fish tissue levels of dioxin downstream from the mill are no higher than those upstream. The bill also proposed to require that the Commissioner of Environmental Protection and the

Commissioner of Human Services perform a thorough assessment on the progress of achieving the total elimination of the discharge of dioxin and to report on these matters to the Legislature in 2003.

The bill proposed to amend the color pollution control standard to require older facilities, those in existence and licensed prior to July 1, 1989, to meet a more stringent standard than current law requires.

Committee Amendment "B" (S-324) proposed to authorize the Commissioner of Environmental Protection to extend the date by which a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan for up to six months if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require that the fish-tissue sampling test used to determine whether a mill is discharging dioxin into its receiving waters must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. The amendment proposed to require that for purposes of measuring compliance with the dioxin standards, a mill must sample the internal waste stream of its bleach plant twice per quarter. It also proposed to authorize the Department of Environmental Protection to conduct its own sampling and analysis of the internal waste stream of a bleach plant and to assess the mill for the costs of sampling and analysis. It proposed to require that analysis of the samples be conducted by a third-party laboratory using methodology approved by the United States Environmental Protection Agency. The amendment proposed to authorize the Commissioner of Environmental Protection to reduce the frequency of sampling after three consecutive years of sampling have demonstrated that the mill did not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.

Finally, the amendment proposed to require the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

Committee Amendment "A" (S-323) proposed to make a technical change to the bill by allocating it to a different section in the statutes. The amendment proposed to strike references to a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan and to establish the maximum detection level at 10 picograms per liter. The amendment proposed to authorize the Commissioner of Environmental Protection to extend the date by which a mill may not have a quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan exceeding that level for up to six months if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require that the fish-tissue sampling test used to determine whether a mill is discharging dioxin into its receiving waters be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. The amendment proposed to require that for purposes of measuring compliance with the dioxin standards, a mill must sample the internal waste stream of its bleach plant twice per quarter. It also proposed to authorize the Department of Environmental Protection to conduct its own sampling and analysis of the internal waste stream of a bleach plant and to assess the mill for the costs of sampling and analysis. It proposed to require that analysis of the samples be conducted by a third-party laboratory using methodology approved by the United States Environmental Protection Agency. The amendment proposed to specify that the actual detection levels are public information. The amendment proposed to authorize the Commissioner of Environmental Protection to reduce the frequency of sampling after 3 consecutive years of sampling have demonstrated that the mill did not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.

The amendment proposed to require a mill to sample for polychlorinated dibenzo-para-dioxins, and polychlorinated dibenzo-para-furans in the internal waste stream of the mill's bleach plant for purposes of monitoring levels of dioxin compounds in the bleaching process.

The amendment proposed to require that after December 31, 2005, a mill not have an average bleach plant wastewater flow of more than 10 m³/kkg of air-dried bleached pulp. The amendment proposed to authorize the commissioner to extend this time frame to no later than December 31, 2007 for a mill if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons. The amendment proposed to require the department to adopt rules to establish appropriate flow limitations to account for variability around the average flow standard. The amendment also proposed to require the department to adopt rules establishing standards for dioxin levels in air emissions and sludge from mills that are consistent with the objective of reducing the aggregate impact of dioxin on all environmental media.

The amendment proposed to require that the standards for dioxin levels, bleach plant wastewater flow, compliance testing, monitoring and reporting be incorporated as conditions of a mill's waste discharge license when it is relicensed or modified. The amendment also proposed to authorize the commissioner to pursue any remedy authorized by law, including seeking injunctive relief, if a mill failed to meet the requirements for dioxin levels or reduced flow.

The amendment proposed to require the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

The amendment proposed to change the reporting date for certain reports required in the bill. It also proposed to require the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 1999 on recommendations relating to assistance in the financing of capital investments to assist mills in achieving the requirement for reduced bleach plant wastewater flow. The amendment also proposed to require the Commissioner of Environmental Protection to report to the same committee by February 1, 2002 and by February 1st of every even-numbered year thereafter on the progress of mills in moving toward the reduced flow requirement and on other issues related to achieving further reductions in flow.

This amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 444 sets standards for the discharge of dioxin from bleach kraft pulp mills. It requires these mills to achieve nondetectable levels, defined as under 10 picograms per liter, of 2,3,7,8-tetrachlorodibenzo-p-dioxin inside the mill at the bleach plant by 1998 and nondetectable levels of 2,3,7,8-tetrachlorodibenzo-p-furan by 1999, and to eliminate discharges of dioxin by 2002. The law authorizes the Commissioner of Environmental Protection to extend the date by which a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan for up to six months if the commissioner determines, based on information presented by the mill, that compliance is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons. The law requires that for purposes of measuring compliance with the standards, a mill must sample the internal waste stream of its bleach plant twice per quarter.

The law provides that elimination of dioxin discharges is indicated when measurement of fish tissue levels of dioxin downstream from the mill are no higher than those upstream. The law also requires that the Commissioner of

Environmental Protection and the Commissioner of Human Services perform a thorough assessment on the progress of achieving the total elimination of the discharge of dioxin and to report on these matters to the Legislature in 2003. The law also requires the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

The law also amends the color pollution control standard to require older facilities, those in existence and licensed prior to July 1, 1989, to meet a more stringent standard than current law requires.

LD 1651 **Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act** **RESOLVE 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE	OTP-AM	H-391 H-566 ROWE

LD 1651, an emergency, proposed to direct the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The resolve proposed to require that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report would have to include a recommendation as to whether the United States Environmental Protection Agency's Project XL program can be used as an alternative strategy to meet the federal Clean Air Act requirements. The resolve proposed to require the commissioner to solicit input from the public in developing the proposals.

The resolve proposed to require the commissioner to meet with the Joint Standing Committee on Natural Resources at least twice during the study. Finally, the resolve proposed to authorize the committee to report out legislation during the Second Regular Session of the 118th Legislature.

Committee Amendment "A" (H-391) proposed to make two changes to the resolve. It proposed to require the Commissioner of Environmental Protection to consider both roadside testing and annual testing at the time of inspection of heavy duty diesel-powered vehicles when developing a proposal for a motor vehicle inspection and maintenance program. It also proposed to require the commissioner to make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program.

House Amendment "A" (H-566) proposed to remove the emergency preamble and the emergency clause from the resolve.

Enacted law summary

Resolve 1997, chapter 57 directs the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The law requires that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report must include a recommendation as to whether the United States Environmental Protection

Agency's Project XL program can be used as an alternative strategy to meet the federal Clean Air Act requirements and a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program. The law requires the commissioner to solicit input from the public in developing the proposals.

The law requires the commissioner to meet with the Joint Standing Committee on Natural Resources at least twice during the study. Finally, the law authorizes the committee to report out legislation during the Second Regular Session of the 118th Legislature.

LD 1696

An Act Regarding Low Emission and Zero Emission Vehicles

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN CLEVELAND	ONTP	

LD 1696 proposed to repeal the current law authorizing the Board of Environmental Protection to adopt rules requiring the sale of low-emission vehicles and replace it with a section of law requiring the board to adopt rules requiring the sale of low-emission vehicles and zero-emission vehicles for 1999 model year vehicles. The rules would have to require sale of the same vehicles as are required under California law and regulations. The bill also proposed to require the Department of Environmental Protection to study zero-emission vehicle technology and implementation of zero-emission vehicle use in the State and to submit a report to the joint standing committee of the Legislature having jurisdiction over air quality matters by November 15, 2001.

See also LD 1313, which was amended to require the Commissioner of Environmental Protection to complete a study of zero-emission vehicles and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000.

LD 1705

An Act Regarding Just Compensation for Private Waste Companies

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR	OTP-AM MAJ ONTP MIN	

LD 1705 proposed to prohibit a municipality, city or county from prohibiting a private person from providing solid waste services within that municipality, city or county when those services are also provided by that governmental body.

The bill also proposed to prohibit a municipality, city, county, public benefit corporation or public authority from displacing an existing business that provides solid waste collection services, unless certain procedures are followed. These procedures include holding a public hearing, providing notice of the hearing to all businesses that provide the services and to the public and providing five years' written notice before displacing a business. The bill proposed that as an alternative to the five-year delay, displacement could be commenced after payment to the business of an amount equal to the business's preceding 12 months' gross receipts for providing the services in the area.

Committee Amendment "A" (H-576), the majority report of the committee, proposed to remove the provision in the original bill that prohibits a local unit of government from banning private competition with a solid waste service provided by the governmental unit and the provision that prohibits a local unit of government from requiring industrial and commercial establishments and multifamily residences of eight or more units to use or pay user fees for solid waste services provided by the governmental unit. It also proposed to eliminate the provision in the original bill that allows the governmental unit to displace a private solid waste business within five years if it pays compensation.

The amendment proposed to revise the procedures for notice and hearing, contained in the original bill, that a political subdivision or quasi-municipal corporation or district must follow before displacing an existing private solid waste business operating within its jurisdiction. Finally, the amendment proposed to reduce the number of years' notice required by the original bill for a local governmental unit to displace a solid waste business from five years to 12 months.

This amendment was not adopted.

LD 1730 An Act to Implement the Recommendations of the Great Pond Task Force CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER		

LD 1730 proposes to implement the recommendations of the Great Ponds Task Force. The Great Pond Task Force is established under the Maine Revised Statutes, Title 38, section 1842-A.

The bill proposes to establish the Lakes Heritage Trust Fund in the Executive Department to protect, preserve and enhance the quality and value of the State's great ponds. The fund would be administered by the Land and Water Resources Council. The bill proposes to authorize the council to accept monetary contributions into the fund. The bill proposes that the fund would also be capitalized in part from two revenue sources proposed in the bill: a one-time registration fee for motorless watercraft and an annual \$10 water quality impact fee assessed on residential dwellings on lots within the watershed of a great pond.

The bill proposes to redefine "personal watercraft" to include jet propelled watercraft 14 feet or less in length.

The bill proposes to direct the Commissioner of Inland Fisheries and Wildlife to adopt rules governing the use, operation and type of watercraft that may be used on great ponds less than 200 acres in surface area and proposes to require the commissioner to consider potential wildlife impacts, environmental values, including noise, and the traditional uses of a water body when adopting rules governing the horsepower, use, operation or type of watercraft allowed on a water body.

The bill proposes to increase the registration fee for motorboats. The fee for the first motorboat registered by a person in a year would be increased from \$4 to \$15. The fee for each additional motorboat registered in that person's name in that year would remain at the current rate of \$4.

The bill proposes to create a new one-time registration fee for motorless watercraft by requiring a person to pay \$10 for each motorless canoe, kayak, sailboard, sailboat or rowboat.

The bill proposes to create a new recreational motorboat rental and leasing license. This license would be required after January 1998 for any person to engage in the business of renting or leasing a motorboat for recreational use on the inland waters of the State. The annual fee for this license would be \$50.

The bill proposes to prohibit a person from operating a motorboat on certain waters on Mt. Desert Island and from operating a motorboat within 1000 feet of the intake of a public drinking water supply.

The bill proposes to prohibit the operation of a personal watercraft without a safety sticker; leasing or renting a motorboat without a license; wake jumping by operators of personal watercraft; operating a motorboat without proper safety instruction; and operating an airmobile or other motorboat in excess of allowable noise limits.

The bill proposes to prohibit the use of personal watercraft on great ponds located wholly within the unorganized territories except as provided in rules adopted by the Commissioner of Inland Fisheries and Wildlife. The bill also proposes to allow the commissioner a two-year period to adopt rules governing the use and operation of personal watercraft on great ponds less than 200 acres in the organized areas. On and after June 1, 1999, the use of personal watercraft on those great ponds would be prohibited unless the commissioner has adopted rules prior to that date specifying the use and operation of personal watercraft on those waters. Great ponds within the jurisdiction of the Maine Tribal-State Commission would be temporarily exempted from the prohibition until such time as the commissioner provides recommendations on the use of personal watercraft on great ponds to the Legislature.

The bill proposes to require the Commissioner of Inland Fisheries and Wildlife to establish a motorboat safety education program for persons from 12 to 16 years of age.

The bill proposes to limit the liability of a lake association from personal injury, property damage or death caused by the placement or maintenance by the association of navigational aid markers located and maintained under the provisions of a permit and in accordance with the State's marking system of waterways.

The bill proposes to change from \$2.20 per \$500 in value to \$2.42 per \$500 in value the transfer tax that applies to property located within the watershed of a great pond. The additional revenue generated by this tax is proposed to be targeted for watercraft enforcement, education and training and the protection and enhancement of water quality in Maine lakes.

The bill proposes to assess an annual \$10 water quality impact fee on each residential dwelling unit located within the watershed of a great pond. Revenues from this assessment are proposed to be targeted at education and training of code enforcement officers and for the Lakes Heritage Trust Fund.

The bill proposes to increase from 200 to 1,000 feet the allowable radius of the protection zone around intakes of public drinking water supplies.

This bill has been carried over to the Second Regular Session of the 118th Legislature.

See also LD 416, which was referred to the Joint Standing Committee on Inland Fisheries and Wildlife and LD 1217, which was amended to establish the Lakes Heritage Trust Fund in the Executive Department to protect, preserve and enhance the quality and value of the State's lakes and great ponds. The fund is administered by the Land and Water Resources Council.

LD 1745

**Resolve, to Direct the Land and Water Resources Council to
Develop a Report and Proposed Actions to Control Mercury
Emissions and Discharges**

**RESOLVE 41
EMERGENCY**

Sponsor(s)
TREAT

Committee Report
OTP-AM

Amendments Adopted
S-204

LD 1745 proposed to direct the Land and Water Resources Council to prepare a strategy to evaluate and reduce mercury contamination in Maine's environment. The resolve proposed to direct the council to include its evaluation and recommendations as part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters, due January 15th each year.

Committee Amendment "A" (S-204) proposed to make the following changes to the resolve. The resolve proposed to authorize the Land and Water Resources Council to seek the advice and support of certain groups in developing a long-range strategy to evaluate and reduce mercury contamination in Maine's environment. The amendment proposed to require the council to seek the advice and support of Legislators as well as those groups. The amendment proposed to require the council to report its initial evaluation and recommendations as part of its January, 1998 annual report. The amendment also proposed to give the Joint Standing Committee on Natural Resources authority to report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature. The amendment also proposed to make a technical correction and add a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 41 directs the Land and Water Resources Council to prepare a long-range strategy to evaluate and reduce mercury contamination in Maine's environment. The council is required to seek the advice and support of several interested groups. The council is further directed to include its evaluation and recommendations as part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters, with the initial evaluation and recommendations to be included as part of its January, 1998 annual report. The law also gives the Joint Standing Committee on Natural Resources authority to report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature.

This resolve was enacted as an emergency measure effective May 30, 1997.

LD 1836

**An Act to Facilitate Delegation of the Federal Waste Discharge
Permitting Program**

CARRIED OVER

Sponsor(s)
COWGER

Committee Report

Amendments Adopted

LD 1836 proposes to make a series of changes in Maine law necessary for the State to apply for future delegation of the Federal Discharge Licensing and Management Program. Currently, persons having wastewater discharges must obtain licenses from both the United States Environmental Protection Agency and the Department of Environmental Protection and are subject to separate inspection and compliance programs. Delegation would mean

that the State would gain authority to administer the federal program and the need for federal permits would be eliminated in favor of a single state-issued license.

The bill consists of three sections: statutory changes, authorization for a revised waste discharge license fee system and allocation of positions necessary to carry out the program. Part A of the bill proposes statutory changes to address inconsistencies between state and federal law which must be removed before the State can proceed with other portions of a full application to the United States Environmental Protection Agency for delegation of the federal program. Part B of the bill proposes revisions to the fee system that would allow the Department of Environmental Protection to set license fees based on technical considerations and within the framework and limitations established in the bill. The bill proposes to allocate funds to realign some existing positions and to add new positions to carry out the program. These new positions are funded primarily through increased license fees. In addition to supporting new positions for delegation, increases in existing fees are also proposed to address shortfalls in funding for presently authorized positions. The current fees were last adjusted in 1987. This bill has been carried over to the Second Regular Session of the 118th Legislature.

See also LD 1138, which was referred to the Joint Standing Committee on Appropriations and Financial Affairs and was amended to appropriate \$200,000 to cover shortfalls in the Waste Water Licensing Program.

Joint Standing Committee on Natural Resources

SUBJECT INDEX

Air Quality/Auto Emissions

Enacted

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LD 967	An Act to Clarify the Laws Relating to Backyard Burning	PUBLIC 512	Page 16
LD 1058	An Act to Require Legislative Review of Revisions to the State's Clean Air Strategy	PUBLIC 531	Page 19
LD 1313	An Act to Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 364	Page 28
LD 1651	Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act	RESOLVE 57	Page 46
LD 1745	Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges	RESOLVE 41 EMERGENCY	Page 50

Not Enacted

LD 226	Resolve, Requiring the Department of Public Safety, Chief of the State Police to Amend the Commercial Vehicle Inspection Standards to Help Control Diesel Truck Emissions	ONTP	Page 3
LD 660	An Act to Opt out of the Federal Requirement to Use Reformulated Fuel	CARRIED OVER	Page 13

LD 748	An Act to Prohibit Residential Burning of Domestic, Household Trash	ONTP	Page 14
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LD 1499	An Act to Prohibit the Use of Harmful Additives in Gasoline	ONTP	Page 34
LD 1696	An Act Regarding Low Emission and Zero Emission Vehicles	ONTP	Page 47

Dams

Enacted

LD 1555	An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services	PUBLIC 236	Page 37
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Not Enacted

None

DEP/BEP (including rules and enforcement)

Enacted

LD 1313	An Act to Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 364	Page 28
LD 1579	An Act to Ensure Stable Funding of Pollution Abatement Programs Administered by the Department of Environmental Protection	PUBLIC 374	Page 38

Not Enacted

LD 583	An Act to Establish Cost-benefit Analysis for Environmental Rules	ONTP	Page 10
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LD 1035	An Act Regarding Board of Environmental Protection Reports	ONTP	Page 19
LD 1104	An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure	ONTP	Page 21
LD 1513	An Act to Change the Department of Environmental Protection's Regulatory Process from an Instruction-based Process to a Contractual Performance-based Approach	ONTP	Page 35

Dioxin

Enacted

LD 284	An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature	PUBLIC 179	Page 5
LD 1633	An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution	PUBLIC 444	Page 44

Not Enacted

LD 1577	An Act to Eliminate Paper Mill Dioxin and Restore Maine's Rivers	INDEF PP	Page 37
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Hazardous Waste/Hazardous Substances

Enacted

LD 636	An Act to Cap the Fees Responsible Parties Pay for the Transportation of Hazardous Waste from Superfund Sites	PUBLIC 258	Page 12
LD 1313	An Act to Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 364	Page 28

Not Enacted

Land Use

Enacted

LD 2	An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits	PUBLIC 38	Page 1
LD 198	An Act to Amend the Permitting Laws for Septic Waste Disposal Sites	PUBLIC 40	Page 2
LD 1074	An Act to Establish Practical Difficulty Standards for a Variance from the Dimensional Standards of a Municipal Zoning Ordinance	PUBLIC 148	Page 20
LD 1554	An Act to Eliminate Inconsistencies and Unnecessary Duplication Regarding the Training and Certification of Individuals Who Enforce Land Use Regulations	PUBLIC 296	Page 36

Not Enacted

LD 554	An Act to Change the Definition of Pollutant in the Environmental Laws	ONTP	Page 10
LD 1621	An Act to Clarify the Fine for Violation of Certain Land Use Laws	ONTP	Page 44

Lead

Enacted

LD 1593	An Act to Ensure Safe Abatement of Lead Hazards	PUBLIC 375	Page 42
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Not Enacted

None

Legislative Review of Rules

Enacted

LD 1135	Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 18 EMERGENCY	Page 21
LD 1136	Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 30 EMERGENCY	Page 22
LD 1252	Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 31 EMERGENCY	Page 25
LD 1455	Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 67	Page 32
LD 1471	Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 47	Page 33

Not Enacted

None

Natural Resources Protection Act

Enacted

LD 258	An Act Concerning Compensation under the Natural Resources Protection Laws	PUBLIC 101	Page 4
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LD 1293	Resolve, to Evaluate Permit by Rule and Compliance with the Natural Resources Protection Laws	RESOLVE 35	Page 27
LD 1313	An Act to Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 364	Page 28
LD 1330	An Act to Ensure Adequate Review of Maintenance Dredging	PUBLIC 240	Page 31
LD 1531	An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat	PUBLIC 230	Page 36

Not Enacted

LD 553	An Act to Clarify Certain Department of Environmental Protection Prohibitions	ONTP	Page 10
LD 1031	An Act Relating to the Use and Reclamation of Number One Pond in Sanford	ONTP	Page 18
LD 1599	Resolve, to Encourage Stream and Wetland Enhancement Projects	ONTP	Page 43

Oil and Petroleum Products

Enacted

LD 1292	An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks	PUBLIC 167	Page 27
LD 1313	An Act to Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 364	Page 28
LD 1435	An Act to Clarify Reimbursement by Responsible Parties to the Maine Coastal and Inland Surface Oil Clean-up Fund	PUBLIC 188	Page 32
LD 1579	An Act to Ensure Stable Funding of Pollution Abatement Programs Administered by the Department of Environmental Protection	PUBLIC 374	Page 38

Not Enacted

None

Packaging

Enacted

LD 1019	An Act to Allow Foam Food and Beverage Containers in School Cafeterias under Certain Circumstances	PUBLIC 195	Page 18
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Not Enacted

None

Recycling

Enacted

None

Not Enacted

LD 1282	An Act to Require the Department of Environmental Protection to Market Recycled Materials	ONTP	Page 26
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Septic Systems

Enacted

LD 592	An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems	PUBLIC 106	Page 11
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Not Enacted

None

Sewer Districts/Sanitary Districts

Enacted

None

Not Enacted

LD 767	An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees	ONTP	Page 14
LD 906	An Act to Facilitate Removal of Certain Licensed Overboard Discharges	ONTP	Page 15

Shoreland Zoning

Enacted

LD 1582	An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws	PUBLIC 502	Page 40
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Not Enacted

LD 648	Resolve, to Allow Donald Hebert to Retain a Certain Structure in Exchange for the Removal of Another Structure	ONTP	Page 12
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Site Law

Enacted

LD 218	An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines	PUBLIC 72	Page 3
LD 1135	Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 18 EMERGENCY	Page 21
LD 1252	Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 31 EMERGENCY	Page 25

LD 1503	An Act to Amend the Site Location of Development Laws	PUBLIC 485	Page 34
LD 1582	An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws	PUBLIC 502	Page 40

Not Enacted

LD 908	An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws	ONTP	Page 16
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Sludge/Septage

Enacted

LD 2	An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits	PUBLIC 38	Page 1
LD 198	An Act to Amend the Permitting Laws for Septic Waste Disposal Sites	PUBLIC 40	Page 2

Not Enacted

None

Solid Waste/Solid Waste Facilities

Enacted

LD 2	An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits	PUBLIC 38	Page 1
LD 466	An Act to Establish Guidelines for the Utilization of Municipal Solid Waste Incinerator Ash and Its Derivatives	PUBLIC 418	Page 8
LD 474	An Act to Amend the Waste Management Laws Regarding Landfill Closure	PUBLIC 479	Page 9
LD 967	An Act to Clarify the Laws Relating to Backyard Burning	PUBLIC 512	Page 16

Not Enacted

LD 497	An Act to Exempt Certain Incinerators from Environmental Laws and Department of Environmental Protection Regulations	ONTP	Page 10
LD 599	An Act to Eliminate Fees on the Disposal of Municipal Solid Waste Incinerator Ash	ONTP	Page 11
LD 748	An Act to Prohibit Residential Burning of Domestic, Household Trash	ONTP	Page 14
LD 776	An Act to Exempt Permitted Auto Recyclers from the Solid Waste Management Rules	ONTP	Page 14
LD 1095	An Act Concerning State Mandated Municipal Landfill Remediation	ONTP	Page 20
LD 1282	An Act to Require the Department of Environmental Protection to Market Recycled Materials	ONTP	Page 26
LD 1705	An Act Regarding Just Compensation for Private Waste Companies	INDEF PP	Page 48

Storm Water Management

Enacted

LD 1217	An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program	PUBLIC 519	Page 24
LD 1471	Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 47	Page 33
LD 1582	An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws	PUBLIC 502	Page 40

Not Enacted

None

Subdivisions

Enacted

LD 866	An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions	PUBLIC 226	Page 15
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Not Enacted

LD 908	An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws	ONTP	Page 16
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Water Quality/Water Pollution

Enacted

LD 284	An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature	PUBLIC 179	Page 5
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LD 658	Resolve, Requiring the Department of Human Services to Establish a Maximum Contaminant Level for MTBE	RESOLVE 58	Page 12
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LD 1155	An Act to Create a Permanent Funding Source for the Saco River Corridor Commission	PUBLIC 330	Page 23
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LD 1217	An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program	PUBLIC 519	Page 24
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LD 1455	Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 67	Page 32
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LD 1471	Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality	RESOLVE 47	Page 33
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LD 1633	An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution	PUBLIC 444	Page 44
LD 1745	Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges	RESOLVE 41 EMERGENCY	Page 50
<u>Not Enacted</u>			
LD 80	An Act to Protect Internal Waters of the State	CARRIED OVER	Page 1
LD 194	An Act to Fully Fund the Surface Water Ambient Toxics Monitoring Program	ONTP	Page 2
LD 554	An Act to Change the Definition of Pollutant in the Environmental Laws	ONTP	Page 10
LD 906	An Act to Facilitate Removal of Certain Licensed Overboard Discharges	ONTP	Page 15
LD 1031	An Act Relating to the Use and Reclamation of Number One Pond in Sanford	ONTP	Page 18
LD 1299	Resolve, to Establish the Council on Environmental Monitoring and Assessment	ONTP	Page 28
LD 1577	An Act to Eliminate Paper Mill Dioxin and Restore Maine's Rivers	INDEF PP	Page 37
LD 1608	An Act to Create the Mousam Way River Environmental Advisory Committee	ONTP	Page 43
LD 1730	An Act to Implement the Recommendations of the Great Pond Task Force	CARRIED OVER	Page 49
LD 1836	An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program	CARRIED OVER	Page 51

Wetlands

Enacted

LD 258	An Act Concerning Compensation under the Natural Resources Protection Laws	PUBLIC 101	Page 4
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Not Enacted

LD 1599	Resolve, to Encourage Stream and Wetland Enhancement Projects	ONTP	Page 43
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